
2015-2016 MSBA High School Mock Trial Case & Competition

PEREZ V. DEMPSEY ET AL.



In cooperation with the
Maryland Judicial Conference Public Awareness Committee,
Maryland State Bar Association,
& Maryland State Department of Education.

This case was prepared by
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The fact pattern is based loosely on a case previously
developed by the Carolina Center for Civic Education.



Important Contacts for the Mock Trial Competition

Please call your local coordinator for information about your county/circuit schedule.

Your second point of contact is the State Mock Trial Director:

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November 12, 2015

Dear Students & Coaches:

Welcome to the 33rd annual Maryland State Bar Association Statewide High School Mock Trial Competition. We are excited for a new year and a great case.

Recent attention to long-term brain damage among football players and boxers, in particular, has prompted a closer look at the effects of concussions on the adolescent brain. Despite growing awareness of sports-related concussions, and campaigns to educate young athletes, parents, coaches, and physicians about concussion recognition and treatment, confusion and controversy still abound. This case is intended to spark debate and discussion about a very real, very prevalent issue for athletes of all ages, and in all sports.

Our four primary objectives for the MSBA Mock Trial competition are:

- To further understanding and appreciation of the rule of law, court procedures, and the legal system;
- To increase proficiency in basic life skills such as listening, speaking, reading, and critical thinking;
- To promote better communication and cooperation between the school system, the legal profession, and the community at large;
- To heighten enthusiasm for academic studies as well as career consciousness of law-related professions.

Mock Trial works best when the primary goal of all involved is to become better educated about the law. The competition provides opportunities to increase your understanding of the law and its applicability, through case preparation with your attorney advisor, teacher coach, and teammates, as well as during each of the competitions. It will hone skills that serve you well for the rest of your life.

Mock Trial parallels the real world in terms of proceedings, interpretations, and decisions by the Bench. Decisions will not always go your way and you will not always emerge a "winner." Judges may offer suggestions based on their own preferences—use these as guidelines rather than as "right" or "wrong" ways of doing things. The next judge who presides over your competition may prefer things just the opposite (and that, by the way, is very real-world!)

We ask that you read carefully through this entire book. Do not assume that everything is the exact same as previous years, as even small modifications can be significant during the course of competition.

We wish you a successful year, and a fun, rewarding learning experience.

Best Regards,

Shelley Brown
Int. Executive Director
CLREP

Hon. Mark Scurti
Chair, Board of Directors, CLREP
District Court for Baltimore City

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TABLE OF CONTENTS

Organizational Rules	1
Hints on Preparing for a Mock Trial Competition	3
Trial Procedures	5
Simplified Rules of Evidence & Procedure	7
Overview & Substantive Matters	13
Complaint & Answer	15
Witnesses for the Plaintiff	
Casey Perez	17
Bobbi Chadwick, Ph.D.	21
Tobin O'Reilly	23
Witnesses for the Defense	
Jordan Reddick, MD	26
Shannon Dempsey	29
Chris Durrant	31
Evidence, Exhibits & Documents	
Interrogatory Answers – Sarah Perez and Casey Perez	32
Interrogatory Answers - Jordan Reddick / SCLC	33
Interrogatory Answers – Shannon Dempsey	34
EXHIBIT A: SCLC Injury Report	35
EXHIBIT B: Injured Player Policy (excerpt)	36
EXHIBIT C: ER Discharge Form	37
EXHIBIT D: Parent/Athlete Injury Disclosure Form	38
Background Information	
CDC – Concussion / Traumatic Brain Injury	39
Jury Pattern Instructions and Selected Case Law	
Jury Instructions	42
Case Law	43
Appendices	
Guidelines for Competition Judges	46
Sample Score Sheet	47
Calendar	Inside Back
State Champions	Back Cover

2015-2016
MSBA HIGH SCHOOL MOCK TRIAL COMPETITION

PART I: ORGANIZATIONAL RULES

1. Forfeits are prohibited. As a registered team, you agree to attend all scheduled competitions. If a team does not have an adequate number of students (i.e. due to illness, athletics, or other conflicts), it is still expected to attend and participate in the competition. In these instances, a team will “borrow” students from the opposing team. While this is treated as an automatic win for the opposition, both teams still gain the practice. Further, it maintains the integrity of the competition and is respectful of the Court, Presiding Judge, attorneys and the other team that has prepared for, and traveled to, the competition. If this occurs, coaches should make every effort to notify the local coordinator AND the other coach in advance of the competition. When an opposing team does not have enough students to assist the other team, students may depict two or more of the roles (i.e. they may depict 2 witnesses or play the part of 2 attorneys).
2. **Time limits.** Student attorneys are expected to keep their presentations limited to the times noted below. (Please see #3 for additional information.) **The “clock” should be stopped during objections.** Teams should NOT object, however, if they perceive a violation of these guidelines.
 - Opening statements—5 minutes each;
 - Direct examination—7 minutes per witness;
 - Voir Dire, if necessary— 2 minutes per expert witness (in addition to the time permitted for direct and cross examination)
 - Cross-examination—5 minutes per witness;
 - Re-Direct and Re-Cross Examination—3 minutes and a maximum of 3 questions per witness.
 - Closing Arguments – 7 minutes each.
3. **The use of a Bailiff.** Each team is encouraged to have a Mock Trial team member, who is not scheduled to compete during the match, serve as Bailiff during the course of each competition. Each Bailiff will keep time for opposing counsel; or, in the event that only one team brings a Bailiff, that person shall keep time for both sides. The Bailiff(s) will also announce the Judge, call the case, and swear in each witness. (Please see Trial Procedure #2 for additional information.) While the use of a bailiff is discretionary (by circuit) during local competitions, it will be mandated in state competitions.
4. Local competitions must consist of enough matches that each participating high school presents both sides of the Mock Trial case at least once.
5. A team must be comprised of no fewer than eight (8) but a maximum of twelve (12) student members from the same high school, with the exception of high schools with a Maryland State Department of Education inter-scholastic athletics designation of Class 2A or Class 1A, which may combine with any other schools in the LEA in those classifications to field a team. Two “alternate” students are permitted during the local competition only. If a team advances beyond the local competition, an official roster must be submitted not exceeding 12 students.
6. A team may use its members to play different roles in different competitions. For any single competition, all teams are to consist of three attorneys and three witnesses, for a total of six (6) different students. (Note: In Circuits 1 and 2, where teams typically participate in two competitions per evening – once as prosecution and once as defense – students may change roles for the second competition.)
7. Any high school that fields two or more teams may NEVER allow, under any circumstances, students from Team A to compete for Team B or vice-versa. Each team must have its own teacher coach and attorney advisor, separate and apart from the other team. Additionally, if a high school has multiple teams, then those teams MUST compete against one another in the local competition.

8. A.) Areas of competition coincide with the eight Judicial Circuits of Maryland. Each circuit must have a minimum of four teams. However, in order to provide the opportunity for as many teams to participate as possible, if a circuit has two or three teams, they may compete in a “Round Robin” to determine who will represent the circuit in the circuit playoff. The runner-up team from another circuit would be selected to compete based upon their winning record and average points scored during local competition rounds. This team would compete with the circuit representative in a playoff prior to the Regional Competition. When a circuit has only one registered team, CLREP may designate another circuit in which this team may compete.

B.) OR, under the discretion of a circuit coordinator and CLREP, if a circuit so chooses, it may combine with the “un-official” circuit to increase the number of opportunities to compete. In this case, a “circuit opening” arises and will be filled by the following method. To create the most equity, a sequential rotation of circuits will occur. If willing, the second place team from the specified circuit will advance to the regional competitions to fill the opening. If that team is unable to advance, the opportunity will move to the next circuit, and so on, until the opening is filled. In the event that all circuits are officially comprised of a minimum of four teams, the designated circuit will remain the next in-line to advance in future years.

2015-2016	Circuit 5	2018-2019	Circuit 8
2016-2017	Circuit 6	2019-2020	Circuit 1
2017-2018	Circuit 7	2020-2021	Circuit 3
		2021-2022	Circuit 4

9. Each competing circuit must declare one team as Circuit Champion by holding local competitions based on the official Mock Trial Guide and rules. **That representative will compete against another Circuit Champion in a single elimination competition on April 6 or 7, 2016.**
10. The dates for the Regionals, the Semi-Finals, and the Finals will be set and notice given to all known participating high schools by November 12, 2015. Changes will only occur due to conflicts in judicial schedules.
11. District Court judges, Circuit Court judges, and attorneys may preside and render decisions for all matches. If possible, a judge from the Court of Appeals or Court of Special Appeals will preside and render a decision in the Finals.
12. Any team that is declared a Regional Representative must agree to participate on the dates set for the remainder of the competition. Failure to do so will result in their elimination from the competition and the first runner-up in that circuit will then be the Regional Representative under the stipulations.
13. Winners in any single round should be prepared to switch sides in the case for the next round. Circuit Coordinators will prepare and inform teams of the local circuit schedule.
14. CLREP encourages Teacher Coaches of competing teams to exchange information regarding the names and gender of their witnesses at least 1 day prior to any given round. The teacher coach for the plaintiff/prosecution should assume responsibility for informing the defense teacher coach. A physical identification of all team members must be made in the courtroom immediately preceding the trial.
15. Members of a school team entered in the competition—including Teacher Coaches, back-up witnesses, attorneys, and others directly associated with the team’s preparation—are **NOT** to attend the enactments of **ANY** possible future opponent in the contest.
16. Every effort should be made for teams to work with an attorney advisor to prepare for competition. It is suggested that they meet with their Attorney Advisor at least twice prior to the beginning of the competition.

For some suggestions regarding the Attorney Advisor's role in helping a team prepare for the tournament, see PART II: Hints on Preparing for Mock Trial and Appendix A.

17. **THERE IS NO APPEAL TO A JUDGE'S DECISION IN A CASE.** CLREP retains the right to declare a mistrial when there has been gross transgression of the organizational rules and/or egregious attempt to undermine the intent and integrity of the Mock Trial Competition. **Upon the coaches' review of, and signature on the score sheet, THE OUTCOME IS FINAL.**
18. There shall be **NO** coaching of any kind during the enactment of a mock trial: i.e. student attorneys may not coach their witnesses during the other team's cross examination; teacher and attorney coaches may not coach team members during any part of the competition; members of the audience, including members of the team who are not participating that particular day, may not coach team members who are competing; and team members must have their cell phones and all other electronic devices turned off during competition as texting may be construed as coaching. Teacher and Attorney Coaches **MAY NOT** sit directly behind their team during competition as any movements or conversations may be construed as coaching.
19. It is specifically prohibited before and during trial to notify the judge of students' ages, grades, school name or length of time the team has competed.
20. The student attorney who directly examines a witness is the only attorney who may raise objections when that same witness is being cross-examined. The student attorney who raises objections on direct examination must be the same attorney who then cross-examines that same witness. This same principle applies if a student attorney calls for a bench conference; i.e., it must be the attorney currently addressing the Court. The student attorney who handles the opening statement may not perform the closing argument.
21. Judging and scoring at the Regional, Semi-Final and Statewide Final Competitions are distinct from judging and scoring in some local competitions. As in a real trial, the judge will preside, hear objections and motions, instruct counsel, and determine which team prevailed based on the merits of the law. Two attorneys will independently score team performance at the trial, using the score sheet from the official Mock Trial Guide. At the conclusion of the trial and while in chambers, the judge will award the tie point without informing the attorney scorers. The Tie Point will only be added into the final score only in the case of a tie. The attorneys will meet and work out any differences in scoring so that the two attorneys present one score sheet to the judge, and eventually, the two teams. The judge retains the right to overrule any score on the score sheet. Both teams shall receive a copy of this score sheet, signed by the judge. Teams will **not** have access to the original, independent score sheets of the attorneys.
22. Evidentiary materials that have been modified for use during trial (e.g., enlarged), must be made available during the trial for the opposing team's use. During witness identification exchanges, please alert the other team if you plan to use modified materials.

PART II: HINTS ON PREPARING FOR A MOCK TRIAL COMPETITION

The following tips were developed by long-time Mock Trial Coaches.

1. Every student, teacher and attorney participating in a team's preparation should read the entire set of materials (case and guide) and discuss the information, procedures and rules used in the mock trial competition. Students: you are ultimately responsible for all of this once Court is in session.
2. Examine and discuss the facts of the case, witness testimony and the points for each side. Record key information as discussion proceeds so that it can be referred to in the future.

3. Witness' credibility is very important to a team's presentation of the case. Witnesses: move into your roles and attempt to think as the person you are portraying. Read over your affidavits many times and have other members of your team ask you questions about the facts until you know them.
4. Student attorneys: you should have primary responsibility for deciding what possible questions should be asked of each witness on direct and cross-examination. Questions for each witness should be written down and/or recorded. Write out key points for your opening statements and closing arguments before trial; then, incorporate any important developments that occurred during the trial. Concise, summary, pertinent statements which reflect the trial that the judge just heard are the most compelling and effective. **Be prepared for interruptions by judges who like to question you, especially during closing arguments.**
5. The best teams generally have student attorneys prepare their own questions, with the Teacher and Attorney Coaches giving the team continual feedback and assistance. Based on these practice sessions, student attorneys should continue revising questions and witnesses should continue studying their affidavits.
6. As you approach your first round of competition, you should conduct at least one complete trial as a dress rehearsal. All formalities should be followed and notes should be taken by everyone. Evaluate the team's presentation together. Try to schedule this session when your Attorney Coach can attend.
7. **Some of the most important skills for team members to learn are:**
 - Deciding which points will prove your side of the case and developing the strategy for proving those points.
 - Stating clearly what you intend to prove in an opening statement and then arguing effectively in your closing that the facts and evidence presented have proven your case.
 - Following the formality of court; e.g., standing up when the judge enters or exits the courtroom, or whenever you address the Bench, and appropriately addressing the judge as "Your Honor," etcetera.
 - Phrasing direct examination questions that are not leading (carefully review the rules of evidence and watch for this type of questioning in practice sessions).
 - Refraining from asking so many questions on cross-examination that well-made points are lost. When a witness has been contradicted or otherwise discredited, learn to limit additional questions, as they often lessen the impact of previously made points.
 - Thinking quickly on your feet when a witness gives you an unexpected answer, an attorney asks unexpected questions, or a judge throws questions at you.
 - Recognizing objectionable questions and answers, offering those objections quickly and providing the appropriate basis for the objection.
 - Paying attention to all facets of the trial, not just the parts that directly affect your presentation. All information heard is influential! Learn to listen and incorporate information so that your presentation, whether as a witness or an attorney, is the most effective it can be.
 - The Mock Trial should be as enjoyable as it is educational. When winning becomes your primary motivation, the entire competition is diminished. Coaches and students should prepare AT LEAST as much for losing as they do for winning/advancing. Each member of the team—student or coach—is personally responsible for his/her behavior prior to, during, and at the close of the trial. There are schools and individuals across the state that are no longer welcome to participate based on previous behavior.

Part III: TRIAL PROCEDURES

Before participating in a mock trial, it is important to be familiar with the physical setting of the courtroom, as well as with the events that generally take place during the competition and the order in which they occur. This section outlines the usual steps in a “bench” trial— that is, without a jury.

1. Courtroom Set-Up

- a. Plaintiff/Prosecution will sit closest to the jury box.
- b. Defense – will sit on the side of the courtroom that is farthest from the jury box. This is based on the premise that the defendant is innocent until proven guilty, and so is removed (as far as possible) from the scrutiny of the court.
- c. **The Bailiff will sit in either i) the jury box ii) the court reporter’s seat or iii) in another seat so designated by the Judge, that is equally visible to both parties.**

2. The Opening of the Court & Swearing of Witnesses

- a. **The Bailiff for the Prosecution/Plaintiff will call the Court to order through the following steps:**
 - i. **In a loud voice, say, “All rise.” (When the judge enters, all participants should remain standing until the judge is seated.)**
 - ii. **The Bailiff should call the case; i.e., “The Court will now hear the case of _____ v. _____.” And announce the judge: “The Honorable _____ presiding.”**
- b. The judge will permit those in the Court to be seated; then ask the attorneys for each side if they are ready.
- c. **During the course of the trial, the Bailiff for the Defense shall administer the Oath, and ask the witness to raise his or her right hand: “Do you affirm to tell the truth, the whole truth, and nothing but the truth under the pains and penalties of perjury?”**

3. Opening Statements (5 minutes maximum)

- a. Prosecution (criminal case)/ Plaintiff (civil case)
After introducing oneself and one’s colleagues to the judge, the prosecutor or plaintiff’s attorney summarizes the evidence for the Court which will be presented to prove the case. The Prosecution/ Plaintiff statement should include a description of the facts and circumstances surrounding the case, as well as a brief summary of the key facts that each witness will reveal during testimony. The Opening Statement should avoid too much information. It should also avoid argument, as the statement is specifically to provide facts of the case from the client’s perspective.
- b. Defense (criminal or civil case)
After introducing oneself and one’s colleagues to the judge, the defendant’s attorney summarizes the evidence for the Court which will be presented to rebut the case (or deny the validity of the case) which the plaintiff has made. It includes facts that tend to weaken the opposition’s case, as well as key facts that each witness will reveal during testimony. It should avoid repetition of facts that are not in dispute, as well as strong points of the plaintiff/ prosecution’s case. As with the Plaintiff’s statement, Defense should avoid argument at this time.

4. Direct Examination by the Plaintiff/Prosecutor (7 minutes plus 2 minutes for Voir Dire)

The prosecutor/ plaintiff’s attorney conducts direct examination (questioning) of each of its own witnesses. At this time, testimony and other evidence to prove the prosecution’s/plaintiff’s case will be presented. The purpose of direct examination is to allow the witness to relate the facts to support the prosecution/plaintiff claim and meet the required burden. It also allows counsel for each side to establish the credibility of each of their witnesses. (If opposing counsel chooses to voir dire a witness, 2 minutes are permitted, in addition to the 7 minutes allowed for direct examination.)

General Suggestions:

- Ask open-ended questions, rather than those that draw a “yes” or “no” response. Questions that begin with “who,” “what,” “where,” “when,” and “how” or “explain...” and “describe...” are helpful during direct examination.
- Questions should be clear and concise, and should help guide your witness through direct examination. Witnesses should not narrate too long, as it will likely draw an objection from opposing counsel.
- Do not ask questions that “suggest” a specific answer or response.

4. Cross-Examination by the Defendant’s Attorneys (5 minutes)

After the attorney for the prosecution/plaintiff has completed the questioning of a witness, the judge then allows the defense attorney to cross-examine the witness. The cross-examiner seeks to clarify or cast doubt upon the testimony of the opposing witness. Inconsistency in stories, bias, and other damaging facts may be pointed out to the judge through cross-examination. (If an attorney chooses to voir dire a witness, 2 minutes are permitted, in addition to the 5 minutes allowed for cross examination. These 2 minutes are typically allotted during the witness’ direct examination.)

General Suggestions:

- Use narrow, leading questions that “suggest” an answer to the witness. Ask questions that require “yes” or “no” responses.
- In general, it is never a good idea to ask questions to which you do not know the answer – unexpected responses can be costly and may leave you unprepared and off-guard.
- Never ask “why.” You do not want to give a well-prepared witness an opportunity to expand upon a response.
- Avoid questions that begin with “Isn’t it a fact that...”, as it allows an opportunistic witness an opportunity to discredit *you*.

5. Direct Examination by the Defendant’s Attorneys (7 minutes plus 2 minutes for Voir Dire)

Direct examination of each defense witness follows the same pattern as above which describes the process for prosecution’s witness. (See #3 above for suggestions.)

6. Cross-Examination by the Prosecution/ Plaintiff (5 minutes)

Cross-examination of each defense witness follows the same pattern as above for cross-examination by the defense. (See #4 above for suggestions.)

7. Re-Direct Examination by the Plaintiff/ Prosecution (3 minutes and/or 3 questions)

The Plaintiff’s/Prosecution’s attorney may conduct re-direct examination of the witness to clarify any testimony that was cast in doubt or impeached during cross-examination. (Maximum of three minutes or three questions.)

8. Re-Cross Examination by the Defense Attorneys (3 minutes and/or 3 questions)

The defense attorneys may re-cross examine the opposing witness to impeach previous testimony. (Maximum of three minutes or three questions.)

9. Voir Dire Examination by Either the Plaintiff/ Prosecution or the Defense Attorneys (2 minutes)

Voir Dire is the process of asking questions to determine the competence of an alleged expert witness. Before giving any expert opinion, the witness must be qualified by the court as an expert witness. The court must first determine whether or not the witness is qualified by knowledge, skills, experience, training or education to give the anticipated opinion. After the attorney who called the witness questions him/her about his/her qualifications to give the opinion, and before the court qualifies the witness as an expert witness, the opposing counsel shall, if he/she chooses to do so, have the opportunity to conduct a brief cross-examination (called “voir dire”) of the witness’ qualifications. **Voir dire is to be limited to the fair scope of the expert’s report.**

10. Closing Arguments (Attorneys) (7 minutes)

For the purposes of the Mock Trial Competition, the first closing argument at all trials shall be that of the Defense.

a. Defense

A closing argument is a review of the evidence presented. Counsel for the defense reviews the evidence as presented, indicates how the evidence does not substantiate the elements of a charge or claim, stresses the facts and law favorable to the defense, and asks for a finding of not guilty (or not at fault) for the defense.

b. Prosecution/ Plaintiff

The closing argument for the prosecution/plaintiff reviews the evidence presented. The prosecution's/plaintiff's closing argument should indicate how the evidence has satisfied the elements of a charge, point out the law applicable to the case, and ask for a finding of guilt, or fault on the part of the defense. Because the burden of proof rests with the prosecution/plaintiff, this side has the final word.

11. The Judge's Role and Decision

The judge is the person who presides over the trial to ensure that the parties' rights are protected and that the attorneys follow the rules of evidence and trial procedure. In mock trials, the judge also has the function of determining the facts of the case and rendering a judgment, just as in actual bench trials.

PART IV: SIMPLIFIED RULES OF EVIDENCE AND PROCEDURE

In American trials, elaborate rules are used to regulate the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that both parties receive a fair hearing and to exclude any evidence deemed irrelevant, incompetent, untrustworthy or unduly prejudicial. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the evidence will probably be allowed by the judge. **The burden is on the attorneys to know the rules, to be able to use them to present the best possible case, and to limit the actions of opposing counsel and their witnesses.**

Formal rules of evidence are quite complicated and differ depending on the court where the trial occurs. For purposes of this Mock Trial Competition, the rules of evidence have been modified and simplified. Not all judges will interpret the rules of evidence or procedure the same way, and you must be prepared to point out the specific rule (quoting it, if necessary) and to argue persuasively for the interpretation and application of the rule you think proper. No matter which way the judge rules, attorneys should accept the ruling with grace and courtesy!

1. SCOPE

RULE 101: SCOPE. These rules govern all proceedings in the mock trial competition. The only rules of evidence in the competition are those included in these rules.

RULE 102: OBJECTIONS. An objection which is not contained in these rules shall not be considered by the Court. However, if counsel responding to the objection does not point out to the judge the application of this rule, the Court may exercise its discretion in considering such objections.

2. RELEVANCY

RULE 201: RELEVANCY. Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. It is that which helps

the trier of fact decide the issues of the case. However, if the relevant evidence is unfairly prejudicial, confuses the issues, or is a waste of time, it may be excluded by the Court.

Objection:

"I object, Your Honor. This testimony is irrelevant to the facts of the case."

RULE 202: CHARACTER. Evidence about the character of a party or witness (other than his or her character for truthfulness or untruthfulness) may not be introduced unless the person's character is an issue in the case.

Objection:

"Objection. Evidence of the witness' character is not proper given the facts of the case."

3. WITNESS EXAMINATION

A. DIRECT EXAMINATION (attorney calls and questions witness)

RULE 301: FORM OF QUESTION. Witnesses should be asked direct questions and may not be asked leading questions on direct examination. Direct questions are phrased to evoke a set of facts from the witnesses. A leading question, on the other hand, is one that implies, suggests or prompts the witness to answer in a particular manner -- typically a "yes" or "no" answer.

Objection:

"Objection: Counsel is leading the witness."

NARRATION. While the purpose of direct examination is to get the witness to tell a story, the questions must ask for specific information. The questions must not be so broad that the witness is allowed to wander or narrate an entire story. Narrative questions are objectionable.

Objection:

"Objection. Question asks for narration."

At times, a direct question may be appropriate, but the witness' answer may go beyond the facts for which the question was asked. Such answers are subject to objection on the grounds of narration.

RULE 302: SCOPE OF WITNESS EXAMINATION. Direct examination may cover all facts relevant to the case of which the witness has first-hand knowledge. Any factual areas examined on direct examination may be subject to cross-examination.

RULE 303: REFRESHING RECOLLECTION. If a witness is unable to recall a statement made in an affidavit, the attorney on direct may show that portion of the affidavit that will help the witness to remember.

B. CROSS EXAMINATION (questioning the other side's witness)

RULE 304: FORM OF QUESTION. An attorney may ask leading questions when cross-examining the opponent's witnesses. Questions that tend to evoke a narrative answer should be avoided in most instances.

RULE 305: SCOPE OF WITNESS EXAMINATION. Attorneys may only ask questions that relate to matters brought out by the other side on direct examination or to matters relating to the credibility of the witness. This includes facts and statements made by the witness for the opposing party. Note that many judges allow a broad interpretation of this rule.

Example: On direct examination, a witness is not questioned about a given topic, and the opposing attorney asks a question about this topic on cross examination.

Objection:

“Objection. Counsel is asking the witness about matters which did not arise during direct examination.”

RULE 306: IMPEACHMENT. On cross-examination, the attorney may impeach a witness (show that a witness should not be believed) by (1) asking questions about prior conduct that makes the witness’ credibility (truth-telling ability) doubtful, or (2) asking questions about previous contradictory statements. These kinds of questions can only be asked when the cross-examining attorney has information that indicates that the conduct actually happened.

C. RE-DIRECT EXAMINATION

RULE 307: LIMIT ON QUESTIONS. After cross-examination, up to three (3), but no more than three (3), questions may be asked by the direct examining attorney, and such questions are limited to matters raised by the attorney on cross-examination. (The presiding judge has considerable discretion in deciding how to limit the scope of the re-direct.)

NOTE:

If the credibility or the reputation for truthfulness of the witness has been attacked on cross-examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased so as to try to “save” the witness’ truth-telling image in the eyes of the court. Re-direct examination is limited to issues raised by the attorney on cross-examination. Please note that at times it may be more appropriate NOT to engage in re-direct examination.

D. RE-CROSS EXAMINATION

RULE 308: LIMIT ON QUESTIONS. Three (3) additional questions, but no more than three (3), may be asked by the cross-examining attorney, and such questions are limited to matters on re-direct examination and should avoid repetition. (The presiding judge has considerable discretion in deciding how to limit the scope of the re-cross.) Like re-direct examination, at times it may be more appropriate not to engage in re-cross examination.

Objection:

“Objection. Counsel is asking the witness about matters that did not come up on re-direct examination.”

4. HEARSAY

A. THE RULE

RULE 401: HEARSAY. Hearsay is a statement, other than one made by the declarant while testifying at the trial, offered in evidence to prove the truth of the matter asserted made outside of the courtroom. Statements made outside of the courtroom are usually not allowed as evidence if they are offered in court to show that the statements are true. The most common hearsay problem occurs when a witness is asked to repeat what another person stated to him or her. **For the purposes of the Mock Trial Competition, if a**

document is stipulated, you may not raise a hearsay objection to it.

Objection: *“Objection. The statement is hearsay, Your Honor.”*

Possible Response to the Objection: *“Your Honor, the testimony is not offered to prove the truth of the matter asserted, but only to show....”*

B. EXCEPTIONS

RULE 402: ADMISSION AGAINST INTEREST. A judge may admit hearsay evidence if it was said by a party in the case and contains evidence which goes against the party’s side.

RULE 403: STATE OF MIND. A judge may admit hearsay evidence if a person’s state of mind is an important part of the case and the hearsay consists of evidence of what someone said which described that particular person’s state of mind.

RULE 404: BUSINESS RECORDS. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnosis, made at or near the time by or from information transmitted by a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of the information or the method of circumstances of preparation indicate lack of trustworthiness, shall be admissible. The term “business” as used in this paragraph includes business, institution, association, profession, occupation, and callings of every kind, whether or not conducted for profit.

RULE 405: EXCITED UTTERANCE. A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

5. OPINION AND EXPERT TESTIMONY

RULE 501: OPINION TESTIMONY BY NON-EXPERTS. Witnesses who are not testifying as experts may give opinions which are based on what they saw or heard and are helpful in explaining their story. A witness may NOT testify to any matter of which the witness has no personal knowledge, nor may a witness give an opinion about how the case should be decided.

Objections:

“Objection. The witness has no personal knowledge that would enable him/her to answer this question/ make this statement.”

“Objection. The question asks the witness to give a conclusion that goes to the finding of the Court.”

RULE 502: OPINION TESTIMONY BY EXPERTS. Only persons qualified as experts may give opinions on questions that require special knowledge or qualifications. An expert may be called as a witness to render an opinion based on professional experience. An expert must be qualified by the attorney for the party for whom the expert is testifying. This means that before the expert witness can be asked for expert opinion, the questioning attorney must bring out the expert’s qualifications, education and/or experience.

Objection: *“Objection. Counsel is asking the witness to give an expert opinion for which the witness has not been qualified.”*

RULE 503: VOIR DIRE. (“To speak the truth.”) After an attorney who has called a witness questions him/her about his/her qualifications, and before the court qualifies the witness as an expert, the opposing counsel shall have the opportunity, if he/she chooses, to conduct voir dire. After the voir dire examination has been conducted, the cross-examining attorney should advise the court as to whether there are any objections to the witness being qualified as an expert witness and/or whether there are any objections to the witness’ expertise to give the specific opinion the opposing counsel is trying to elicit from this witness.

Example:

(after questioning by an attorney to create a foundation for his/her witness to be qualified by the Court as an expert witness): “At this time, your Honor, I request that the Court accept and qualify the witness as an expert in the field of”

Objection:

“Your Honor, we would like permission to voir dire the witness.” (Oftentimes, the judge will already be looking your way to see if you wish to voir dire.)

6. PHYSICAL EVIDENCE

RULE 601: INTRODUCTION OF PHYSICAL EVIDENCE. Physical evidence may be introduced only **if it is contained within the casebook** and relevant to the case. Physical evidence will not be admitted into evidence until it has been identified and shown to be authentic or its identification and/or authenticity has been stipulated. That a document is “authentic” means only that it is what it appears to be, not that the statements in the document are necessarily true.

Physical evidence need only be introduced once. The proper procedure to use when introducing a physical object or document for identification and/or use as evidence is (for example):

- a. Show the exhibit to opposing counsel.
- b. Show the exhibit and have it marked by the clerk/judge. “Your Honor, please have this marked as Plaintiff’s Exhibit 1 for identification.”
- c. Ask the witness to identify the exhibit. “I now hand you what is marked Plaintiff’s Exhibit 1. Would you identify it, please?”
- d. Ask the witness about the exhibit, establishing its relevancy.
- e. Offer the exhibit into evidence. “Your Honor, we offer Plaintiff’s Exhibit 1 into evidence at this time.”
- f. The Judge will ask opposing counsel whether there is any objection, rule on the objection if there is one, and admit or not admit the exhibit into evidence.
- g. If the exhibit is a document, hand it to the clerk/judge.

NOTE: After an affidavit has been marked for identification, a witness may be asked questions about it without its introduction into evidence.

7. INVENTION OF FACTS (Special Rules for the Mock Trial Competition)

RULE 701: DIRECT EXAMINATION. On direct examination, the witness is limited to the facts and evidence provided in the casebook. If a witness testifies in contradiction of a fact given in the witness’ statement, opposing counsel should impeach (prove untrue) the witness’ testimony during cross-examination. If the witness goes beyond the facts given, such that they directly conflict with the stipulated facts or witness affidavits, a bench conference may be requested by opposing counsel, at which time the counsel may object to invention of facts. (It should be noted that the granting of a bench conference

is a discretionary decision of the judge. A request for a bench conference might not be granted.)

Objections:

“Objection, your honor, the witness is creating facts which are not in the record.”

“Objection. The witness is inventing facts that directly contradict case material.”

“Your Honor, the witness is intentionally creating facts which could materially alter the outcome of the case.”

RULE 702: CROSS-EXAMINATION. Questions on cross-examination should not seek to elicit information that is not contained in the fact pattern. If on cross-examination a witness is asked a question, the answer to which is not contained in the witness’ statements of the direct examination, the witness may respond with any answer which does not materially alter the outcome of the trial. An answer which is contrary to the witness’ affidavit may be impeached by the cross-examining attorney. If the witness invents facts material to the case, a bench conference may be called and, if granted, an objection made to the invention of facts.

8. SPECULATION

RULE 801: Speculation, or someone’s idea about what *might* have occurred, is generally not permitted. A witness may not jump to conclusions that are not based on actual experiences or observations, as this is of little probative value. Some leeway is allowed for the witness to use their own words, and greater freedom is allowed with expert witnesses.

Objection:

“Objection. This calls for speculation on part of the witness.”

9. PROCEDURE RULES

RULE 901: PROCEDURES FOR OBJECTIONS. An attorney may object anytime the opposing attorney has violated the Rules of Evidence.
NOTE: The attorney who is objecting should stand up and do so at the time of the violation. When an objection is made, the judge will usually ask the reason for it. Then the judge will turn to the attorney who asked the question and that attorney will usually have a chance to explain why the objection should not be accepted (“sustained”) by the judge. The judge will then decide whether to discard a question or answer because it has violated a rule of evidence (“objection sustained”), or whether to allow a question or answer to remain on the trial record (“objection overruled”).

RULE 902: MOTIONS TO DISMISS. Motions for dismissal at the end of the prosecution’s case are NOT permitted.

RULE 903: CLOSING ARGUMENTS. Closing arguments must be based on the evidence and testimony presented during the trial. Offering new information at this point is prohibited.

This fact pattern follows a different fact pattern than what you are accustomed to seeing in Mock Trial. This page is intended to give a brief overview of the documents contained herein.

Each party in a lawsuit files initial papers, known as pleadings. The pleadings explain each party's side of the dispute.

The Complaint

Litigation begins when the plaintiff files a complaint with the court and formally delivers a copy to the defendant. The complaint describes what the defendant did (or failed to do) that caused harm to the plaintiff and the legal basis for holding the respondent responsible for that harm.

The Answer

The defendant is given a specific amount of time to file an answer to the complaint. The answer provides the defendant's side of the dispute.

Discovery

Discovery is the method by which parties gather relevant information from each other or from third parties. Research of the law, document review and organization, and witness interviews help clients and their lawyers assess the merits of claims and defenses. Discovery is usually the longest part of the case. It begins soon after a lawsuit is filed and often does not stop until shortly before trial. Information is gathered formally through written questions (known as "interrogatories"), requests for copies of documents, and requests for admission (which ask a party to admit or deny statements of fact.) Another key method of obtaining information is to conduct depositions, in which witnesses are questioned under oath by the parties' attorneys and witnesses' answers are recorded by a court reporter.

Answers to Interrogatories

Interrogatories are written answers to questions propounded by one party to another. The responding lawyer confers with the client, reviews the file, and types the answers. The client then signs the interrogatory answers under oath. The answers are based on what is known by the party signing them, and what is known to his or her lawyers. You will see a reference to this at the beginning of each of the answers.

Document Production/Substantive Matters

The Court Rules allow each party to serve the other side with document requests. The other side is required to file a written response, and to produce the documents. The documents produced are part of this packet.

You can assume that the exhibits contained herein are authentic and genuine.

Exhibit A – Injury Report

Exhibit B – Injured Player Policy

Exhibit C – Emergency Room Discharge

Exhibit D – Injury Disclosure Form

You can also assume they are what they purport to be – meaning that no one has tampered with them or altered them in any way. Teams are still permitted to argue admissibility beyond authenticity issues.

The CDC Informational Pages are included only to provide foundational knowledge. They are not to be utilized as evidence/ exhibits.

COMPLAINT AND ANSWER

Casey Perez, the parent of seventeen-year old Sarah Perez, filed suit in the Circuit Court for Springfield County, and requested a jury trial. Her Complaint, claims that, while playing girls' lacrosse in a league-sponsored game, Sarah sustained a concussion that left her with a substantial brain injury on May 1, 2014. At the time, Sarah was 17 years old and living with her parent. Named as defendants are Shannon Dempsey, her coach, and the Springfield County Lacrosse Club (SCLC), a private not-for-profit corporation that operated the county-wide league in which the Hornets played.

Both Defendants filed an Answer, after being served with the Complaint. Assume that any issues regarding conflicts of interest have been properly dealt with, and that both Defendants assert the same defense.

PRETRIAL CONFERENCE

The Circuit Court requires that all parties attend a pretrial conference, to see if the case can be settled or the issues narrowed for trial. At a pretrial conference, the parties agreed to bifurcate the case - to try the issue of fault, or liability, first. The parties further agreed that, for purposes of this trial, it is stipulated that Sarah Perez's 2014 head injury was substantially worse than it would have been, had she not had the 2013 head injury.

This left for trial the following issues:

- Was Defendant Dempsey Negligent?
- Was Defendant SCLC Negligent?
- Did Plaintiffs assume the risk of injury?

LAW

Jury instructions are included. Each jury instruction sets forth the legal standards that govern what each side is required to prove, or to disprove. Case law is also included. These are judicial interpretations of the law as well as application of that law to the facts of that case to determine the outcome. Note: these are real cases, but the opinions have been modified for the purposes of this exercise.

IN THE CIRCUIT COURT FOR SPRINGFIELD COUNTY

Sarah Perez)
&)
Casey Perez)
 Plaintiffs)
v.) Case No.: CAL 00003962
))
Shannon Dempsey)
&)
Springfield County Lacrosse Club, Inc.)
 Defendants)

COMPLAINT AND REQUEST FOR JURY TRIAL

Plaintiffs, Sarah Perez and Casey Perez, are suing Defendants Shannon Dempsey and the Springfield County Lacrosse Club, Inc. (hereinafter SCLC) for the following reasons:

1. On May 1, 2014, Plaintiff Sarah Perez was a minor, but is now over the age of 18.
2. Casey Perez is the parent of Sarah Perez and is entitled to claim any medical bills that she paid for her daughter prior to her daughter becoming an adult.
3. On or about May 1, 2014, Plaintiff Sarah Perez was playing lacrosse for the “Hornets.”
4. Prior to May 1, 2014, Defendant Shannon Dempsey was the coach of the Hornets, and held him/herself out as having the necessary skill, experience and training regarding medical risks associated with playing lacrosse, including but not limited to the enhanced risk that a player with a prior concussion would likely suffer a more serious concussion if there was a subsequent injury to the head.
5. Defendant SCLC is a private corporation that operated the league in which the Hornets practice and play.
6. Prior to May 1, 2014, Defendant SCLC promulgated rules and regulations governing the eligibility of its team members to participate in practices and/or games.
7. Defendant SCLC knew or should have known of medical risks associated with its team members participating in practices and games, including but not limited to the enhanced risk that a player with a prior concussion would likely suffer a more serious concussion if there was a subsequent injury to the head.
8. On April 1, 2013, Sarah Perez suffered a head injury and concussion while playing in a lacrosse game with the Hornets.
9. On or before May 1, 2014, Defendant Dempsey knew or should have known that Sarah Perez had suffered a prior head injury and/or concussion, and that this prior injury enhanced the risk that any subsequent head injury would likely be devastating.
10. On or before May 1, 2014, Defendant SCLC knew or should have known that Sarah Perez had suffered a prior head injury and/or concussion, and that this prior injury enhanced the risk that any subsequent head injury would likely be devastating.
11. On May 1, 2014, Sarah Perez, while playing in a game for the Hornets, suffered a head injury, which caused her to suffer a severe and disabling brain injury/concussion.

12. Defendant Dempsey was negligent, because s/he allowed Sarah Perez to play lacrosse when Defendant Dempsey knew or should have known that doing so exposed Plaintiff Sarah Perez to the risk of a serious head injury.
13. Defendant SCLC was negligent because it failed to promulgate rules and regulations barring a minor with a prior head injury from continuing to participate in a sport that was likely to lead to a subsequent serious and disabling head injury or concussion.
14. As a result of the Defendants' negligence, the Plaintiff Sarah Perez was injured and rendered substantially disabled.
15. As a result of the negligence of Defendants, Plaintiff incurred medical bills, non-economic damage, and other elements of damage to be proved at trial.

WHEREFORE, Plaintiffs sue Defendant for an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with the costs of suit.

IN THE CIRCUIT COURT FOR SPRINGFIELD COUNTY

Sarah Perez, et al)	
Plaintiffs)	
v.)	Case No.: CAL 00003962
)	
Shannon Dempsey, et al.)	
Defendants)	

ANSWER

Defendants Shannon Dempsey and the Springfield County Lacrosse Club, Inc. (hereinafter SCLC) hereby answer Plaintiffs' Complaint as follows:

1. Defendants generally deny the allegations in the Complaint, and require that the Plaintiffs prove each and every fact that they have alleged.
2. In the event that the Defendants are deemed to have been negligent, the Defendants assert the Affirmative Defense of Assumption of the Risk. Specifically, they allege that by continuing to play lacrosse, when Casey and Sarah Perez knew Sarah had a prior head injury, Plaintiffs assumed the risk of a severe concussion in the event of a subsequent head injury.

Affidavit of Casey Perez, Witness for the Plaintiff

I affirm under penalties of perjury that the contents of this affidavit are true and correct, and do state as follows:

1. I am the parent of Sarah Perez, who is my only child.
2. Sarah Perez was born December 1, 1996.
3. My spouse, Andie Perez, died suddenly when Sarah was 12 years old.
4. Prior to my spouse's death, I worked part time. Andie's passing required that I find full time employment, to support myself and Sarah.
5. My spouse and I had always planned to save for Sarah's college, but financial difficulties kept us from doing so. Once Andie was gone, I could barely provide for Sarah, and keep a roof over our head.
6. I was able to earn a B.S. degree in nursing, putting myself through school at night while I worked days and took care of Sarah.
7. I am currently employed as a nurse in the Neurology Clinic, Springfield Hospital, where I work in the Traumatic Head Injury Wing.
8. Sarah began playing lacrosse when she was just 8 years old. It was clear from the start that she had a knack for the sport. Over the years, Sarah played in a number of girls' lacrosse leagues, usually with kids who were older and bigger than her.
9. I signed Sarah up to play for the Hornets, a lacrosse team for high school girls. She was allowed to practice with the team, but did not become eligible to play in league games until her sophomore year.
10. League games begin in March and continue, weekly, until the end of April.
11. To join the Hornets, I had to sign some papers and pay a fee of \$200.00 per season.
12. I chose the Hornets, and the SCLC, because it had a state-wide reputation for players getting athletic scholarships at universities and colleges. Sarah has always been a good student, but her grades were not high enough for her to get an academic scholarship.
13. During Sarah's first year of league play, which was her sophomore year in high school, Tobin O'Reilly took over as the coach.
14. There was only one coach per team, although sometimes parents helped out.
15. I met with Coach O'Reilly personally. I wanted to make sure s/he had what it took to bring out my daughter's full potential as a lacrosse player.
16. Coach O'Reilly told me about his/her years of experience, and how one of his/her teams had won the State Championship in Virginia. S/he assured me that he could bring out Sarah's full potential.
17. During Sarah's sophomore season, she played well. One time, though, she twisted her ankle during a game. I heard her beg the coach to send her back in. Coach O'Reilly kept shaking his/her head. The Hornets lost, and Sarah was angry, because she thought she could have won the game, if the coach had let her play.
18. She was back practicing with the team two days later. We were not required to have her seen by a doctor prior to returning to practice.
19. At the end of her sophomore season, the Hornets missed going to the Maryland State Championships by one game. On more than one occasion, Sarah attributed their missing the Championships to that game where she twisted her ankle, and blamed the coach for taking her out.

20. The following season, Sarah seemed to take off. Maybe I'm a little biased, but I thought she was the star of the team.
21. The team made it to the Maryland State Championships that year.
22. During the semi-finals, the Hornets were playing the Worcester County BlueHens.
23. With just two minutes to play, the score was tied, and Sarah was advancing on the goal. All of a sudden, one of the BlueHens, a big girl, ran smack into her. It was a pretty violent collision, and both girls fell to the ground.
24. It looked like the two girls had bumped heads and both were slow to get up.
25. Sarah seemed a little "out of it" and Coach O'Reilly suggested we call an ambulance.
26. I did not think an ambulance was required, because Sarah was just a little dizzy. "It's probably nothing," s/he said, but "I'd get her checked out anyway."
27. I took Sarah to the emergency room at the hospital where I work. They saw us right away, as a favor to me.
28. The doctor looked at the bump on Sarah's head and said to keep an eye on her for a week or two. "She's got a bump on her head, and might have a mild concussion," the Doctor said. "It's probably nothing."
29. I was given a discharge slip and asked to sign it. I assumed this was just a formality, and I did not read what it said.
30. For the next two weeks, I kept an eye on Sarah. I didn't notice anything out of the ordinary.
31. Sarah returned to playing lacrosse four weeks later. She said the Coach needed the hospital discharge slip, so I gave it to her.
32. By the time that she returned to the team, it was summer time and the Hornets only practiced once a week. I could not make the practices, because I was working.
33. I asked Sarah how practices were going, and she said fine.
34. At some point during that summer, Sarah told me that Coach O'Reilly left the team. She was not all that upset. Shannon Dempsey took over as the Hornets' new coach. I met with Coach Dempsey, and asked the same questions I had of Coach O'Reilly. Coach Dempsey was about ten years younger than the previous coach, and told me that s/he had been a "star" of Division I Lacrosse.
35. When I explained that Sarah was hoping for a scholarship, s/he said, "Don't worry Ms. Perez. I was in Sarah's shoes. If I didn't get noticed by a scout, I'd have never gone to college. Trust me, I know what they're looking for, and I'll make sure she gets noticed by the people who count."
36. At the beginning of the season, in the fall of Sarah's senior year, I filled out the same standard forms for the SCLC. There was a question that asked, "Does your child suffer from any medical condition that might pose a health or safety risk to her or to her teammates." I wrote "no."
37. During the summer and fall, Sarah never complained of any problems. She practiced with the team once a week during the summer and three times during the fall. Again, I was not really involved in her practices, because I was working two shifts, which kept me from attending. My schedule did not slow down until December.
38. During the fall, I did notice that Sarah seemed stressed. She told me, "Mom, I'm fine. It's just that my classes are really hard."
39. Over the holiday break, I received her report card. She was doing poorly in three of her five classes. When I asked her about it, she said, "I don't know, it's like I'm just not getting it!" I was surprised that she was angry at me for asking. She calmed down and we talked. My takeaway from that

conversation was that she was taking some tough courses: trigonometry, organic chemistry and English Lit. I chalked her problems up to difficult classes.

40. During the spring season of her senior year, the team again began league play. Sarah worked harder than ever as the team captain. By now, my schedule had gone back to normal, and I was attending practices and games. She was still playing well, but it seemed like she was missing something. When I asked her about it, she said it was nothing. She was “just having a bad day.” After seeing this a couple of times, I asked Coach Dempsey, who told me Sarah seemed a little “off.” The Coach asked me if everything was OK at home, and I told her it was.
41. Coach Dempsey never asked me, at any time, if Sarah had a prior head injury. I assumed that Coach Dempsey would have known about Sarah’s prior injury since I’m sure Coach O’Reilly would have had to file a report with the club.
42. On March 1, 2014, I took Sarah for her annual checkup with her pediatrician. She did not like it when I was in the room, so I sat outside. After the examination, her pediatrician said that she was having headaches, and asked if I knew about them. I told the pediatrician she seemed stressed, and was having trouble keeping her grades up. The pediatrician asked if she had hit her head recently, and I said, “Not that I am aware of.” I thought the doctor was asking me about something that had happened recently. The Pediatrician said she could give me a note that would excuse Sarah from playing, if I thought that would help. I said, no, because Sarah was trying very hard to get the attention of college lacrosse scouts, and this process would be over in just two months.
43. On the way home from the pediatrician, I asked Sarah about the headaches. She told me she’s been having them, on and off. When I asked her how long, she told me “I don’t know. I guess since that girl and I bumped heads.” She said they were not that bad. I did not call the pediatrician to tell her this, because Sarah said they were not bad. I also assumed that Sarah must have had the same conversation with the pediatrician.
44. When I attended practices and games, Coach Dempsey told me over and over what a gifted player Sarah was, and how she was going to get noticed when the team went to the State Championships.
45. On one occasion, Coach Dempsey told me s/he had to pull Sarah out of a practice because she had a bad headache and seemed woozy. This was after the visit to the pediatrician, but I can’t remember exactly when. I told the Coach that her pediatrician was aware of the headaches, but did not recommend that she stop playing sports. Coach Dempsey then said it was a hot day when this happened, and that was probably what caused the problems. Coach Dempsey told me that Sarah was still one of their best players, and that the team was counting on her to win the State Championship.
46. On May 1, 2014, the Hornets played their last regular season game. If they won, they were a cinch to go to the Maryland State Championships as top seed. This would be a big deal, because all the collegiate scouts would be there.
47. While we were driving to the game, Sarah and I talked about the importance of winning this game. We were both very excited about the chance to go to the Nationals. Sarah said she had a splitting headache. I chalked this up to pre-game jitters, so I did not mention it to the Coach.
48. It was a hot day, and as the game wore on, it looked like Sarah was not quite herself. Even so, she was scoring goals. When she scored the goal that tied the score, she was taken out of the game. I was surprised to see this happen, since she always played. Plus, I knew she wouldn’t be happy sitting on the bench. With 45 seconds left, the coach sent her back in.
49. With just 20 seconds left, Sarah had the ball, and was running full speed down the field. It looked like she was about to score the winning goal.

50. Suddenly, she lost her footing, and went headfirst to the ground. I heard the thud from the bleachers.
51. When she did not move, the ref stopped the game.
52. Everyone ran out on the field. I heard Coach Dempsey yell, "She's breathing, but we need an ambulance!" Coach gently rolled her over. She was unconscious, but was starting to come to. She tried to say something, but I couldn't understand it.
53. An ambulance arrived, which transported both of us to the hospital.
54. At the emergency room, they took her right away. She was admitted to the neurology ward, where I work. The one question everyone kept asking me was whether she had a prior concussion. I told them she had hit her head in the game back in 2013.
55. She was diagnosed with a severe concussion, which left her substantially disabled. Doctor Laurence Yogiberra, MD, one of the neurologists I work with, told me that all concussions are cumulative; that the patient never fully recovers. They just keep getting worse and worse. When he told me this, I got angry. Why did SCLC and Coach Dempsey let her continue playing, when they knew she'd had the prior head injury?
56. Had I known that a prior concussion creates the risk of a more serious second one, I never would have allowed Sarah to play any sport, period. I was comfortable with Sarah continuing to play lacrosse, because it is, by-rule, a non-contact sport. To me, this meant that her previous collision with another player was a fluke, and it was extremely unlikely that this would happen again.

Casey Perez

AFFIDAVIT OF BOBBI CHADWICK, PH.D., Witness for the Plaintiff

I affirm under penalties of perjury that the contents of this affidavit are true and correct, and do state as follows:

1. I am 61 years old.
2. I am a Professor at Springfield Community College, where I teach psychology.
3. I am not a medical doctor. I earned a Ph.D. in kinesiology/sports injuries from Harvard in 1990.
4. Until March 2005, I was the Associate Director of the Penn State Center for the Study and Prevention of Sports Injury. I taught undergraduate and graduate students about how to prevent athletes from being injured. My area of specialty was head injuries. Most of these courses focus on how to prevent head injuries, or once a head injury has taken place, how to make sure it is not exacerbated by a subsequent insult (blow) to the head.
5. In addition to my teaching assignments at Penn State, I researched and published several papers on the importance of protecting athletes from traumatic brain injury. Among the papers that I published was "One and Done – All Head Injuries Require Benching" in 1998. It was printed in the University of Guadalajara Medical School Journal. Even though this was in Mexico, the Medical Journal is available in just about every medical library in the United States. It is also available on line. The last time I checked, the fee for downloading it was \$100.00.
6. I do not belong to any professional associations that study sports injuries. All these organizations do is take your money and send you a newsletter. I can do my own research, and keep up to date with the literature.
7. I was hired by the Perez family's lawyers to serve as their expert.
8. I have looked at all the records that were produced in discovery, including the affidavits of the witnesses.
9. The pathology of traumatic brain injury is clear. All concussions are cumulative. Each one builds on the last one. A concussion, by the way, is a jarring of the head, or a blow to the head, where the brain has a violent contact with the interior of the skull. If the collision between brain and skull is violent enough, the victim can lose consciousness. This is what we see when a boxer is knocked out.
10. It is my opinion that SCLC and its coaching staff should not have allowed Sarah Perez to play lacrosse after her first head injury. I don't care whether it was a concussion or not, or whether it was serious or not. Once she injured her head, she should have been benched.
11. The SCLC and its coaching staff, had they read my article, or any other current research for that matter, would have known that there is no such thing as a minor concussion or a bump on the head. In my article, I explain that, once a child had a head injury, he or she should be precluded from playing all sports, regardless of how minor the injury was. It's just not worth the risk, particularly during adolescence when the brain is still developing.
12. I don't care that the SCLC is a not for profit, or that its coaches are essentially working for a stipend. If they are going to have a sports league, they owe it to the kids to read everything there is to read.
13. It makes no difference that girls' lacrosse is, by rule, a "no-contact sport." As you can see, Sarah incurred her injury the second time by falling down. Falling down is something that can happen in any sport, even ping pong or croquet. Once someone has a head injury, it should be game over – for good. I don't care whether it's a minor head injury or a major one.
14. I am aware that there are studies out there that say otherwise. I respectfully disagree.

15. I have testified in fifty other cases involving children who sustained brain injuries while playing high school sports, who filed suit against the schools or clubs that hosted their sports.
16. I have never testified for anyone other than the victims. Note, when asked if I testify for Plaintiffs, I always respond back – “yes, for the victims.” If pressed, I will admit that, technically, as a matter of legal definition, I am testifying for a plaintiff.
17. Last year, I was paid \$550,000.00 in expert witness fees testifying for victims. I made another \$450,000.00 writing reports, where it was my general opinion that the sports program’s negligence led to a child’s head injury. In every case I have been retained to investigate, as it turns out, it was my opinion was that the sports program was at fault.
18. On one occasion, a Judge refused to let me testify. I learned later that the judge thought my opinion was “junk science.” I was going to hire a lawyer to file a complaint against that judge, but I later decided it was not worth the trouble. I have testified 20 times since then, with no problem.

Bobbi Chadwick

AFFIDAVIT OF TOBIN O'REILLY, Witness for the Plaintiff

I affirm under penalties of perjury that the contents of this affidavit are true and correct, and do state as follows:

1. I am 36 years old and I have a Bachelor's Degree in Political Science from University of Maryland.
2. I am married and have two children. My spouse works part time as a personal trainer.
3. I played varsity high school and college soccer. During my years of playing, I sprained both knees and ankles a couple of times.
4. Not long after I graduated, in October of 2007, I got a job as a social studies teacher at Springfield High School.
5. When the Principal found out that I had played soccer, he asked me to coach the girl's soccer team. I said yes.
6. The School required that I obtain a Student Soccer Coaching Certification from the American Association of High School Sports. This involved attending three classes and passing a short test. During the courses, we learned about first aid and how to avoid injuries. I do recall mention being made of concussions and head injuries. I don't have any of my notes, and I don't have any of the course materials.
7. I began coaching the girls' soccer program. Budgets had been cut, so I was the only coach for junior varsity and varsity.
8. While I was coaching soccer, the players had the usual bumps and scrapes. We did have one girl who broke her leg, because she tripped and fell while running for the ball.
9. In 2010, I was asked to take over the girls' lacrosse team. This was actually a club and not a varsity sport. As a result, I did not have to get any special certification.
10. I had a lot to learn about lacrosse, because I had never played lacrosse. It was pretty easy to learn, and the fundamentals were a lot like soccer. The players pass a ball down the field, and try to score a goal. True, the sport does involve sticks, but the official rules of girls' lacrosse forbid contact, as they do in soccer.
11. I was lucky, because most of the girls on my team had grown up playing lacrosse. They knew the game inside and out, and before long, so did I.
12. Even though it was not required, I tried to keep up with the information out there about how to prevent injuries. Over the last couple of years, I read a lot about head injuries in professional sports, and more recently, in collegiate and high school sports. I have to admit I did not see anything about head injuries in girls' lacrosse, or girls' soccer for that matter. I never saw an article by Robert Chadwick.
13. In 2011, one of my student's mothers told me her daughter played with a local league, known as the SCLC. She also said they might be looking for a coach.
14. I contacted the SCLC and ultimately spoke to Jordan Reddick, the Director of SCLC. S/he asked me about my coaching experience and I told him/her the truth - I had only been coaching lacrosse for relatively short period of time. When I mentioned my history as a varsity soccer player, s/he seemed impressed. "Sounds like you've got a pretty competitive spirit," s/he said. I replied, "Where I come from, second place is the same as last place. It just makes you top loser." "Can I quote you?" Jordan asked, "Sounds like you're our coach." I asked if my lack of experience with the sport I would be coaching was a problem, and Jordan said "We can teach

anyone to coach. What we can't instill is the will to win in someone who's just interested in playing the game."

15. When I told the girls on my high school team that I'd be coaching for the SCLC, they were shocked. One of them even told me that the SCLC is like major league baseball. Another said "hope you know first aid." When I asked why she said that, she told me two of her friends had to go to the hospital because a Hornets coach pushed her to the breaking point. Another girl, said, their motto is play till you puke, then keep on playing. I cannot recall the names of the girls who told me this.
16. I asked Reddick about what these girls had told me. S/he said nothing could be farther from the truth. "Just sour grapes from kids who didn't make the cut," s/he said. At some point during this conversation, I do recall Jordan saying that "it would be my call, as to whether an athlete shouldn't play."
17. I took over as Coach of the Hornets. I was paid a stipend that covered my travel expenses, and not much more. SCLC accepted my certification to coach soccer, and did not require that I attend any additional formal training.
18. I was given an SCLC manual. I skimmed through it. It dealt mostly with SCLC policies and procedures. I do recall seeing procedures for reporting injuries and forms that parents had to complete before each season. Until the forms were filled out, a child was not allowed to participate in practice, let alone play in a game.
19. At the beginning of each season, I had the parents fill out the paperwork for their children. I would just gather the parents together, and tell them to sign the paperwork. They would hand it back to me in a stack. I collected the paperwork and turned it into the SCLC. What they did with it after that is something I know nothing about.
20. Sarah was already on the team when I took over and had just become eligible to play. The league only allows girls in their sophomore, junior, and senior years to play in league games. Her parent met with me not long after I took over. She told me that she was a single parent, and the only way Sarah could go to college was to get a scholarship.
21. Sarah was one of my best players. Many of the team members looked up to her.
22. During a 2013 championship game, Sarah collided with another player. She seemed a little unsteady on her feet, so I took her out of the game and told her parent to get her checked out.
23. Sarah said she was fine and wanted to keep playing. Her parent asked me twice whether it was really necessary to take her out of the championship game. I told them both that a head injury is nothing to play around with. I instructed them to follow up with a doctor and let me know the outcome.
24. A day later, I filled out an injury report and mailed it to the SCLC. The next day, I got a call from Reddick. S/he wanted to know all about the injury, as well as where I left it with Sarah and her family. I told Jordan that the manual said Sarah had to have an "all clear" slip from a doctor, before she could return to play. I did not remember if I told Jordan in that conversation that Sarah had been to the hospital. I assumed Jordan knew that, because that's what I put in the injury report.
25. About three weeks after the incident, Sarah showed up with a note from the emergency room. I read it as allowing her to return to practice. She was eager to return to practice, and so was her parent.
26. I paper-clipped the medical note to a handwritten note to Jordan Reddick. "Here is the medical note you requested," I wrote, and then signed my name. I put both of them in an envelope and

mailed them to the SCLC office, attentioned to Jordan Reddick. I know the address is correct, because I called to verify it as I was addressing the envelope. I put one of those “Forever” stamps on it – the ones that are always good, even if the postage rate goes up. I did not keep a copy of the note or the medical report.

27. A few days, later, Reddick came to a practice and told me I was no longer needed to coach the Hornets. When I reminded Jordan that we’d gone to the championships, s/he said, “yes, but you didn’t win.” “But my star player got hurt, and we just didn’t have anyone who could take her place,” I said. Reddick said that this was the problem, and continued, “A player bumped her head, and you took her out, and made her leave the game to go to the hospital -- for what, a bump on the head?” I replied, “I thought safety was my call.” Jordan seemed to be getting upset, “safety?” Jordan pointed to Sarah who was nearby and said, “Does that girl look unsafe? She looks pretty safe to me. I wish all our players were that safe.”
28. There was no changing Jordan’s mind. “We need winning teams, not safe teams,” s/he said.
29. When I said I would go to the press about the things Reddick was saying, s/he changed his tune. Then Reddick said, “I will tell them you were fired because you had a girl who was injured, and you misrepresented the nature of the injury. That you had a kid who went to the hospital, and you didn’t file a report until after you were confronted about it.” Reddick suggested I just walk away, or s/he would spread the word I hadn’t reported the injury. Now that I think back, I should have called Jordan’s bluff. But, at the time, I didn’t think it was worth fighting over. Besides, I could go back to coaching high school sports, which is what I preferred.
30. The next thing I heard of Sarah was that she had suffered a second head injury, while playing for the Hornets. I immediately called Casey Perez, to find out how she was doing.
31. Casey Perez parent told me that the doctors were saying that Sarah was more susceptible to a serious head injury because of the first one she had suffered back in 2013. She then told me how Sarah had been having problems in school, and with recurrent headaches, and I said it sounded like she was still having problems from the earlier concussion. I was shocked that the new coach had let her continue to play, under those circumstances. I told her that I had included the previous head injury in my report, and asked if anyone had read it.
32. It is my opinion that Sarah should not have been allowed to play lacrosse, as long as her first concussion had not completely healed. I base this opinion on common sense. I mean if someone’s head hasn’t gotten better, you don’t risk someone’s long term health – especially a young person who has their whole life ahead of them.

Tobin O'Reilly

AFFIDAVIT OF JORDAN REDDICK, MD, Witness for the Defense

I affirm under penalties of perjury that the contents of this affidavit are true and correct, and do state as follows:

1. I am 53 years old and the President of the SCLC. I have served in that capacity for ten years. I helped found the league. It is a registered not-for-profit. The SCLC has only 2 full time employees. They are secretaries who take care of the league's bookkeeping and phone/email system. I am paid a stipend of \$10,000 per year. This covers any expenses I incur, including travel.
2. The SCLC is a league made up of girls' high school lacrosse players.
3. I helped originate the league, because I did not believe that most high school programs offer a sufficiently competitive lacrosse program for girls who want to excel in the sport.
4. The SCLC charges more than any other girl's lacrosse league, because we are one of the winningest programs out there. Winning is a self-fulfilling prophecy. We have girls who win, so girls who want to win come play for us.
5. As the President of the SCLC, it is my job to make sure the League follows all applicable safety rules and regulations for girls' lacrosse leagues and for high school age girls in general who engage in sports.
6. I am a computer software engineer and I work for a small business writing computer code. I have no medical training, other than what I have learned by virtue of my role at the SCLC.
7. Over the years, I have attended a number of seminars about how to prevent injuries. The vast majority of these concern orthopedic injuries, like torn ACL's and twisted ankles. Until recently, there little mention of concussions. At a seminar two years ago, there was a speaker who talked about concussions in contact sports. Again, I did not think this applied to our sport, because contact is prohibited. In fact, according to our rules, if a player deliberately comes into contact with another, she is ejected from the game. A second offense means permanent expulsion from the league.
8. The SCLC prides itself on being a highly competitive league. Our girls have gone on to play for most of the top collegiate programs in the country. In fact, most parents try to get their girls into our league, so they can get noticed by college and university scouts. There is a lot of scholarship money out there for women's collegiate sports, as long as a girl can get noticed.
9. To produce winning lacrosse teams, our coaches work their girls pretty hard. It is not uncommon for our players to have sprains or strains.
10. The SCLC has a written protocol regarding injuries. All injuries have to be reported in writing, and, before an athlete can return to practice, there has to be a note from a doctor certifying her fitness to return to practice or play.
11. During Coach O'Reilly's tenure, I was impressed with his/her work. Tobin took over a good team and seemed to make it better. I knew that s/he did not have much lacrosse coaching experience, but I thought s/he had the right spirit – s/he could push the girls and motivate them to win.
12. I became aware that Sarah Perez had been injured. Bad news travels fast. Our best team, the Hornets, was a shoo-in for the finals, but we had lost in the closing seconds. I am not sure who

called me to tell me this, but that person told me one of the players was injured. I was surprised that I had not heard from Coach O'Reilly with this information.

13. I called Tobin right away and asked what happened. S/he told me it was nothing, and the game was lost with one second remaining when the other team scored a goal they couldn't repeat in a million years. I will admit I was not happy that we had gotten that close to the Championship, and come up short. But, nobody likes to get that far and lose.
14. All of the mail to the SCLC comes to me. I place it in the files, once I have read it.
15. I did not get an incident report from Coach O'Reilly until about four weeks after the incident had taken place. Included with it was a medical note certifying that Sarah could return to play.
16. I immediately confronted Coach O'Reilly. I did not know that the player had gone to the hospital. In fact, Tobin had assured me she was OK. When I asked why s/he had not told me about her going to the hospital, Tobin said it slipped his/her mind. This was unacceptable to the SCLC and I immediately terminated Coach O'Reilly. I asked that s/he leave without incident, or I would make an issue of the failure to report a head injury that had sent a kid in his/her charge to the emergency room. I knew s/he would probably go back to coaching somewhere else, and s/he didn't want a blot like that on record. S/He left without incident.
17. I later was told by someone that Coach O'Reilly routinely covered up injuries, and expected players to practice and compete with injuries.
18. The SCLC takes injuries seriously. We operated under the National Girl's Amateur Lacrosse Association, and we are accredited by them. The Rules of that Association Require that we document all injuries with a written report within 10 days of the injury taking place. If we do not, our charter can be revoked. If our charter is revoked, we will not longer be eligible to play in any of the tournaments that get our girls noticed by scouts. This is why I was so upset when I learned that a coach was aware of an injury, but waited so long to report it. Fortunately for us, the Association has not contacted us about what took place here. We are not required to report the injury to the Association, so we did not do so.
19. The next time I became aware of Sarah Perez was when she was injured in May of 2014.
20. Prior to that date, the SCLC had no reason to believe Sarah was a risk for a serious concussion. Her parent told us she was fine, the emergency room told us she was fine, and she told us she was fine. Keep in mind that all she had to do was to tell the coach she wanted to be taken out of the game. There are people out there who say that, no matter what, we have an absolute duty to prevent all injuries. No sports program can do that. We do the best we can, under the circumstances. We prohibit physical contact, and we ask for medical documentation when a child is injured.
21. We followed our procedures in this case, to the letter. In fact, we fired a coach, because s/he didn't follow them.
22. What we knew when Sarah started playing her senior year was that she'd bumped her head. I'm not even sure it was labeled a concussion, or diagnosed as such.
23. Requiring that we bench any child who bumps her head is unreasonable and unrealistic.
24. What happened to Sarah is tragic, but we had no reason to expect that it would happen.
25. I don't believe her parent when she says she didn't know of the risk that Sarah took by continuing to play lacrosse. Her parent works for neurologists in a brain injury clinic.

Neurologists are specialists in dealing with head injuries. You don't really expect me to believe that she works with brain injury doctors and never once asked any of them about her daughter's head injury? I think she must have asked one of the neurologists, and was told about the risk. But, because she and her daughter were so driven to get a scholarship at all costs, they decided she would play anyway.

Jordan Reddick

AFFIDAVIT OF SHANNON DEMPSEY, Witness for the Defense

I affirm under penalties of perjury that the contents of this affidavit are true and correct, and do state as follows:

1. I am twenty-seven years old.
2. I have been an athlete as far back as I can remember. I have always played soccer. I was a walk on to my high school's lacrosse team, at Haute Academy, an elite private school known for its lacrosse program. In college, I played all four years.
3. While playing college lacrosse, I twisted my ankle. I kept playing, and did my best to hide it from the coach. I did not want to be benched, because I was committed to my team. I graduated with a B.S. degree in exercise physiology. In one of my classes, we studied a variety of injuries. Among the injuries we learned about, were concussions. What I took away from the class was that multiple concussions pose a serious threat in contact sports. It was never suggested that this was a problem in non-contact sports.
4. I work for a local junior high school, as a gym teacher. I was required to take the school district's course in injury prevention. Again, this course focused on joint strains. I don't remember anyone saying anything about concussions. I did not save the materials I got. What I took away from the course is to look for signs of injury, and to bench kids when they were injured.
5. I am the current coach of the Hornets. I took over coaching when Tobin O'Reilly was terminated. When I was hired by Reddick, s/he told me that my predecessor "separated from the league" for personal reasons. S/he told me not to discuss the issue with the kids, because it might hurt team morale.
6. The team I took over had gone to the playoffs, but had lost in one of the final rounds. I was hired to push them a little harder, in the hope that they would go to the State Championships. Reddick, on several occasions, told me, "Winning is what we are all about. If we don't win, the players go elsewhere."
7. I was paid a small stipend to cover my expenses. I was required to take a SCLC safety course. This consisted of attending a class on a Saturday afternoon. It was not much different from the course I took in college. I do not recall any mention of concussions. This did not strike me as unusual, because girls' lacrosse is a no-contact sport.
8. When I took over the team, I heard Sarah was one of the star players. I spoke to her parent, who emphasized the need for her daughter to get a scholarship. I told her I knew all about the process, because my father had left my mother when I was a child, and the only way I was able to go to college was an athletic scholarship. So I had been through the process.
9. I scrupulously followed all SCLC rules and policies, especially the ones that pertained to physical contact between players. I made it clear to the girls that this was unacceptable. During my first year with the team, there were no issues with regard to improper physical contact.
10. At the beginning of the season, all parents are required to complete a form that states their child has no physical problems that pose a danger to their health or safety. Sarah's parent filled out a form, where she said her daughter had no health problems.
11. I was not told that Sarah had a prior head injury.
12. I knew that the SCLC required injury reports be filed for every injury. I never went to its office to review those files. Nobody suggested that I do so, and there was no time for me to do so. I had a day job, and I was moonlighting as a coach for a lacrosse team.

13. I made Sarah the team captain, because I knew that would get her noticed by the scouts.
14. Sarah seemed to be playing well, as far as I could see. Sometimes she seemed a little out of it, but our workouts are very demanding, and it's not unusual for the kids to appear worn out. If I benched every kid forever who seemed a little out of it, we'd have no team.
15. One time I benched Sarah at a practice, but I can't remember why. I told her parent about it, and she said it was probably stress.
16. On the date that Sarah fell, she seemed fine up until that point. She didn't complain of any problems. As the game went on, I could tell that she was getting tired. This is why I pulled her out near the end of the game. After a short rest, I figured she was OK to return to play. The game was on the line. When I signaled for her to go back in, she didn't complain. She just jumped up and went back in.
17. I do not believe that I did anything wrong. I was not told about the prior head injury.
18. Sarah seemed fine to me, and never said anything to me about having a head injury.
19. Falling is a risk in any sport. In fact, it's the leading cause of injuries in children 0-19 years of age. It is my personal opinion that anyone who plays lacrosse assumes the risk that she might trip, or simply fall down. It's just common sense.

Shannon Dempsey

AFFIDAVIT OF CHRIS DURRANT, Witness for the Defense

I affirm under penalties of perjury that the contents of this affidavit are true and correct, and do state as follows:

1. I am fifty eight years old, and I have a college degree in mathematics.
2. I have been a life-long soccer player and coach.
3. I have coached college soccer and the University of Springfield for the past thirty years. Before I was allowed to take over the head coaching job ten years ago, I was required to become a Certified Athletic Trainer. This involved attending classes in the Community College dealing primarily with training athletes. There was one semester devoted to the treatment and prevention of injuries. I recall mention made of head injuries, but most of the focus was on over-use injuries (sprains, strains) and contact sports related injuries.
4. I have been a long-time lacrosse fan. I have played it on and off.
5. I have a daughter, who just graduated from college. She played high school lacrosse, and I certainly attended all her games – so I know what’s involved with playing girls’ lacrosse.
6. Over the past five years, college coaches have received a lot of information about concussions, and how they can be cumulative. In other words, if you have a player who has a serious concussion, there is a greater risk of more serious brain injury, if there is another concussion.
7. I have reviewed the medical record generated when Sarah went to the hospital. In my opinion this was not a serious enough concussion to sideline her. I have no medical basis for saying this, but I am basing my opinion on my experience coaching soccer. Soccer is not a contact sport, much like girls’ lacrosse. But soccer players do, every now and then, bump their heads or collide. When a player has had a head injury, and gives the coach a note stating that she can get back in the game, then gets back in the game and is playing well, that is all a reasonably prudent coach should be expected to do. Even if the record does not reflect that the coach saw the injury report or medical documentation, the parent signed a form that certified her daughter was OK to play and had no health problems.
8. Shannon Dempsey is someone I have known since s/he was a child. His/her parents are good friends of ours. We spend a lot of time with his/her parents, including going on vacations. In fact, we jointly own a house near Blue Knob Ski Resort. Every year, we spend at least a week there on a joint-family ski trip. Shannon gave my daughter lacrosse lessons and coached one of her club teams.
9. I have not spoken with anyone in this case, other than the lawyers for the Defendants who asked me to give my honest opinion. My opinion is based solely on the affidavits and documents produced in this case.
10. I am not being paid for my involvement in this case. I am doing it because I think it’s important for the truth to be told about what happened here.
11. It is also my opinion that Sarah Perez and her mother assumed the risk of injury. Sarah continued to play, even after a prior concussion. I am not basing this on any medical training, but it is my lay opinion as a parent and athlete. I mean the kid had a concussion, and then was allowed to go back to playing the same sport where she got injured.


Chris Durrant

Interrogatory Answers of Sarah Perez and Casey Perez:

Plaintiffs, by their attorneys, answer the interrogatories propounded by Defendants as follows:

- a. The information supplied in these answers is not based solely on the knowledge of the executing parties, but includes the parties' agents, representatives and attorneys, unless privileged.
- b. The word usage and sentence structure is that of the attorney and does not purport to be the exact language of the executing parties.

INTERROGATORY No. 4: State when you first learned that the March, 2013 head injury could make Sarah Perez more susceptible to a serious concussion if she suffered a subsequent head injury?

ANSWER TO INTERROGATORY No.4: Plaintiffs did not become aware of this until after the subsequent head injury in May, 2014.

I affirm under penalties of perjury that these answers are true can correct, to the best of my knowledge, information and belief.

Casey Perez

Sarah Perez

Interrogatory Answers of Defendant SCLC:

Defendant, by its attorneys, answers the interrogatories propounded by Plaintiffs as follows:

- a. The information supplied in these answers is not based solely on the knowledge of the executing parties, but includes the parties' agents, representatives and attorneys, unless privileged.
- b. The word usage and sentence structure is that of the attorney and does not purport to be the exact language of the executing parties.

INTERROGATORY No. 5: State when you first received the Report of Injury dated April 2, 2013 from Coach O'Reilly.

ANSWER TO INTERROGATORY No. 5: The Defendant is unsure of the precise date the report was received. The Report appears in the files of SCLC, but the SCLC does not stamp incoming mail with a date of receipt. It is believed that the Report was received at the same time that Emergency Room Discharge note was received, approximately four weeks after the injury. Upon receipt of the Report and Emergency Room Discharge note, Jordan Reddick made contact with Coach O'Reilly and terminated his/her services because s/he had filed an untimely injury report.

I affirm under penalties of perjury that these answers are true can correct, to the best of my knowledge, information and belief.

Jordan Reddick

Interrogatory Answers of Defendant Dempsey:

Defendant, by her/his attorneys, answers the interrogatories propounded by Plaintiffs as follows:

- a. The information supplied in these answers is not based solely on the knowledge of the executing parties, but includes the parties' agents, representatives and attorneys, unless privileged.

- b. The word usage and sentence structure is that of the attorney and does not purport to be the exact language of the executing parties.

INTERROGATORY No. 9: State when you first learned that Sarah Perez had a prior head injury.

ANSWER TO INTERROGATORY No. 9: May 1, 2014.

I affirm under penalties of perjury that these answers are true can correct, to the best of my knowledge, information and belief.

A handwritten signature in cursive script that reads "Shannon Dempsey". The signature is written in black ink and is positioned above a thin horizontal line.



Springfield County Lacrosse Club, Inc.

Injury Report

Date of Injury: April 1, 2013

Date of Report: April 2, 2013

Player's Name: Sarah Perez

Player's Contact Information:

Team Name: Hornets

Address: 10910 Rancher Dr.

Division/Age: U18

City, State: Springfield, MD

Ph: 443.555.0998

Coach's Name: Tobin O'Reilly

Name of person completing report if different from coach: n/a

Type of Injury: Concussion

Describe Incident/Injury: Sarah was playing in a tournament when she collided with another player.

Treatment: Pending

Date of Return to Practice/Play: TBD

Medical Release (if different than date of return): Pending

Steps Taken to Address Cause: n/a

Residual Issues/Limitations on Play: Pending

Signature: Tobin O'Reilly

Date: 4/2/2013



Springfield County Lacrosse Club, Inc.

Injured Player Policy

Excerpted From SCLC Manual

Coach's Responsibility

An injury report must be completed for any player injured during practice or game that requires further medical attention. This report must be submitted to the SCLC Administrator within two business days. Any coach who fails to submit this report within the specified timeframe will be suspended for the next game. NO exceptions.

All injuries are to be taken seriously.

Improper contact sports shall result in the suspension of the offending player for a first offense, and expulsion from the SCLC for a second.

If a player is injured, the Coach SHALL:

Seek medical attention where indicated.

- ◆ Remove the player from any game or practice until it is safe to return.
- ◆ Promptly file a written report with the SCLC.
- ◆ Obtain a doctor's release/medical clearance for any player suffering any of the following:
 1. Player was wearing a brace or a cast was removed.
 2. Player was wearing a bandage or had stitches/staples removed.
 3. Player was removed from practice or game by ambulance.
 4. Player was attended to by a paramedic during practice of game and required further medical attention.
 5. Player was ill and missed 2 or more consecutive weeks of practice of games.
 6. Player had broken bones.
 7. Player was hospitalized.
 8. Player was diagnosed and/or treated for concussion.

NOTICE

Coaches should assume that young athletes are driven to play and may not self-report injuries or health conditions. For this reason, all coaches should take reasonable steps to inquire about each athlete's health and history of prior injury.

Coaches are responsible for educating themselves about the risks specific to Lacrosse and to participation in sports in general, and to take reasonable steps to minimize these risks.



Springfield Hospital
1000 Painfree Way
Springfield, MD 21099

EMERGENCY ROOM DISCHARGE

Date: 4/1/2013 Arrival Time: 06:30pm
 Name: Sarah Perez Male Female DOB: 12-1-1996
 Address: 10910 Rancher Drive
 City: Springfield State: MD Zip: 21099
 Transportation to Hospital: Private Vehicle Ambulance Other

Vital Signs:

Time	Arrival	Discharge
BP	128/80	120/75
Pulse	72	68
Temp	96.0	96.1
Weight	109 lbs	109 lbs

Emergency Care Category:

<input type="checkbox"/>	Emergent
<input checked="" type="checkbox"/>	Urgent
<input type="checkbox"/>	Non-Urgent

Admission Necessary:

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Condition Upon Discharge:

<input type="checkbox"/>	Improved
<input checked="" type="checkbox"/>	Unchanged
<input type="checkbox"/>	Deteriorated

Patient has received the following diagnosis and instructions for care:

History: Head injury while playing lacrosse. Complains of headache and dizziness.

Diagnosis: Head trauma, possible concussion.

Disability/Restrictions: Limit activities for two weeks. If symptoms do not persist, resume all normal activities.

Follow up: Neurology Clinic or neurologist if symptoms persist.

Casey Perez

Signature of Patient or Guardian if Patient Under 18



Parent/Athlete Injury Disclosure Form

Participants of athletic programs and their parents, prior to each season, must disclose any information relative to any injury that occurred previously that may impact the participant's ability to participate. This information must be shared with the athlete's coach and a copy will be kept on file.

Name of Student: Casey Perez DOB: 12/1/1996 Age: 16 Gender: F

Medicines and Allergies

Please list all prescription and over-the-counter medicines that you are currently taking:

Do you have allergies? _____ Yes _____ No If yes, please identify specific allergy below:

- Medicines
- Pollens/seasonal
- Food
- Stinging Insects

Has a doctor ever denied or restricted your participation in sports for any reason?

_____ Yes _____ No

Are there any medical conditions of which your child's coach should be aware that may interfere with your child's ability to participate at any time?

_____ Yes _____ No If yes, please specify: _____

By signing below, you certify that your child is medically and physically able to participate in lacrosse.

Casey Perez

Parent Signature

CDC: CENTERS FOR DISEASE CONTROL & PREVENTION

What is a concussion? A concussion is a type of traumatic brain injury—or TBI—caused by a bump, blow, or jolt to the head or by a hit to the body that causes the head and brain to move rapidly back and forth. This sudden movement can cause the brain to bounce around or twist in the skull, stretching and damaging the brain cells and creating chemical changes in the brain.

Concussions Are Serious. Medical providers may describe a concussion as a “mild” brain injury because concussions are usually not life-threatening. Even so, the effects of a concussion can be serious.

Children and teens who show or report one or more of the signs and symptoms listed below, or simply say they just “don't feel right” after a bump, blow, or jolt to the head or body, may have a concussion or more serious brain injury.

Concussion Signs Observed

- Can't recall events *prior to* or *after* a hit or fall.
- Appears dazed or stunned.
- Forgets an instruction, is confused about an assignment or position, or is unsure of the game, score, or opponent.
- Moves clumsily.
- Answers questions slowly.
- Loses consciousness (*even briefly*).
- Shows mood, behavior, or personality changes.

Concussion Symptoms Reported

- Headache or “pressure” in head.
- Nausea or vomiting.
- Balance problems or dizziness, or double or blurry vision.
- Bothered by light or noise.
- Feeling sluggish, hazy, foggy, or groggy.
- Confusion, or concentration or memory problems.
- Just not “feeling right,” or “feeling down”.

Dangerous Signs & Symptoms

- One pupil larger than the other.
- Drowsiness or inability to wake up.
- A headache that gets worse and does not go away.
- Slurred speech, weakness, numbness, or decreased coordination.

For informational purposes only; not to be used during the course of competition.

- Repeated vomiting or nausea, convulsions or seizures (shaking or twitching).
- Unusual behavior, increased confusion, restlessness, or agitation.
- Loss of consciousness (passed out/knocked out). Even a brief loss of consciousness should be taken seriously.

Signs and symptoms generally show up soon after the injury. However, you may not know how serious the injury is at first and some symptoms may not show up for hours or days. For example, in the first few minutes your child or teen might be a little confused or a bit dazed, but an hour later your child might not be able to remember how he or she got hurt.

You should continue to check for signs of concussion right after the injury and a few days after the injury. If your child or teen's concussion signs or symptoms get worse, you should take him or her to the emergency department right away.

HEADS UP Action Plan

Remove from Play: Remove the young athlete from play. When in doubt, sit them out!

Seek Medical Attention: Keep a young athlete with a possible concussion out of play the same day of the injury and until cleared by a health care provider. Do not try to judge the severity of the injury yourself. Only a health care provider should assess a young athlete for a possible concussion. After you remove a young athlete with a possible concussion from practice or play, the decision about return to practice or play is a medical decision that should be made by a health care provider. As a coach, recording the following information can help a health care provider in assessing the young athlete after the injury:

- Cause of the injury and force of the hit or blow to the head or body
- Any loss of consciousness (passed out/knocked out) and if so, for how long
- Any memory loss right after the injury
- Any seizures right after the injury
- Number of previous concussions (if any)

Recovery from Concussion/ Return to Play: Ask for written instructions from the young athlete's health care provider on return to play. These instructions should include information about when they can return to play and what steps you should take to help them safely return to play.

Rest is very important after a concussion because it helps the brain heal. Your child or teen may need to limit activities while he or she is recovering from a concussion. Physical activities or activities that involve a lot of concentration, such as studying, working on the computer, or playing video games may cause concussion symptoms (such as headache or tiredness) to come back or get worse. After a concussion, physical and cognitive activities—such as concentration and learning—should be carefully watched by a medical provider. As the days go by, your child or teen can expect to slowly feel better.

For informational purposes only; not to be used during the course of competition.

Rest is Key to Help the Brain Heal

- Have your child or teen get plenty of rest. Keep a regular sleep routine, including no late nights and no sleepovers.
- Make sure your child or teen avoids high-risk/high-speed activities that could result in another bump, blow, or jolt to the head or body, such as riding a bicycle, playing sports, climbing playground equipment, and riding roller coasters. Children and teens should not return to these types of activities until their medical provider says they are well enough.
- Share information about concussion with siblings, teachers, counselors, babysitters, coaches, and others who spend time with your child or teen. This can help them understand what has happened and how to help.

Return Slowly to Activities

- When your child's or teen's medical provider says they are well enough, make sure they return to their normal activities slowly, not all at once.
- Talk with their medical provider about when your child or teen should return to school and other activities and how you can help him or her deal with any challenges during their recovery. For example, your child may need to spend less time at school, rest often, or be given more time to take tests.
- Ask your child's or teen's medical provider when he or she can safely drive a car or ride a bike.

Talk to a Medical Provider about Concerns

- Give your child or teen only medications that are approved by their medical provider.
- If your child or teen already had a medical condition at the time of their concussion (such as ADHD or chronic headaches), it may take longer for them to recover from a concussion. Anxiety and depression may also make it harder to adjust to the symptoms of a concussion.

Post-Concussive Syndrome

While most people with a concussion recover quickly and fully, some will have symptoms that last for days, weeks or even months.

If your child or teen has concussion symptoms that last weeks to months after the injury, their medical provider may talk to you about post-concussive syndrome. While rare after only one concussion, post-concussive syndrome is believed to occur most commonly in patients with a history of multiple concussions.

There are many people who can help you and your family as your child or teen recovers. You do not have to do it alone. Keep talking with your medical provider, family members, and loved ones about how your child or teen is feeling. If you do not think he or she is getting better, tell your medical provider.

JURY INSTRUCTIONS

Negligence

Negligence is doing something that a person using reasonable care would not do, or not doing something that a person using reasonable care would do. Reasonable care means that caution, attention or skill a reasonable person would use under similar circumstances.

A party who asserts that a defendant was negligent has the burden of proving that defendant was negligent.

Foreseeable Circumstances

A reasonable person changes conduct according to the circumstances and the danger that is known or would be appreciated by a reasonable person. Therefore, if the foreseeable danger increases, a reasonable person acts more carefully.

No Imputation: Parent to Minor

A minor cannot be held responsible for the negligence of the minor's parent, guardian or custodian.

Assumption of Risk

A plaintiff cannot recover if the plaintiff has assumed the risk of the injury. A person assumes the risk of an injury if that person knows and understands, or must have known and understood, the risk of an existing danger, and voluntarily chooses to encounter the risk.

The party asserting that a risk was assumed has the burden of proving it.

Mailbox Rule

If a person testifies the he or she deposited a letter in the U.S. Mail, postage paid, it is presumed that the recipient received it not long after it was mailed. This presumption shifts the burden of proving non-receipt to the party to whom the letter was mailed.

Knowledge - What someone knew or should have known

Whether someone can be said to have "known" something can be established in two ways:

Direct Evidence: This type of evidence embraces not only actual knowledge (what someone saw, heard, or felt), but what was communicated in writing or orally to that person.

Implied notice: If a person says that he or she had no direct knowledge of a fact or facts, the law will imply knowledge if that individual was on "inquiry notice." Inquiry notice arises only when a person is aware of circumstances which ought to have caused a reasonably prudent person, under the circumstances, to investigate or to ask questions.

In the absence of direct evidence, for purposes of determining what someone knew or should have known, if you find that person was on inquiry notice, but did not investigate further, you are to find that that person "knew" what a reasonable investigation would have revealed.

Windesheim v. Larocca, 443 Md. 312, 327, 116 A.3d 954, 962-63 (2015)

CASE LAW

Kelly v. McCarrick, 155 Md. App. 82, 88-92, 841 A.2d 869, 872-74 (2004)
Court of Special Appeals of Maryland

The Injury

Tara was hurt in an April 22, 1997 fast pitch softball game at St. Joseph's Parish. In the bottom of the first inning, Tara was running for third base, when she decided to slide. She collided with the third baseman, fracturing her ankle.

The Kelly's filed a complaint against her softball coach and the athletic association that hosted the league. She alleged the coach, and the league, negligently breached the duty they owed to protect her from the risk of a preventable injury. Specifically, they point to the fact that the coach and the league should have known that national standards for collegiate softball leagues dictate a "no-slide" policy, and that their failure to adopt and enforce this policy resulted in Kelly's serious injury. They also point to the fact that, on two prior occasions, players suffered serious injury while engaged in Defendants' league play, sliding into bases.

In their answer, the Defendants deny that they were negligent, because they were unaware of the supposed "no-slide" rule, and, more importantly, that they are a recreational program with limited time and resources. As such, it would be unreasonable to require that they spend their time combing through the countless proposed softball rulebooks, not to mention adopting rules intended to govern highly competitive collegiate sports programs. Not only do they deny they were negligent, but they claim Tara assumed the risk of injury.

Coaching Liability

Maryland has no reported case law considering a negligent coaching claim. Notably, coaches and athletic programs are not insurers of their players' safety - the mere fact of an injury on the playing field or practice does not mean coaches and leagues are automatically liable.

What the injured player must prove is the coach or athletic program was negligent. Turning to what this standard of care should be, we note that an "instructor's alleged liability rests primarily on a claim that he or she failed to provide adequate instruction or supervision before directing or permitting a student to perform a particular maneuver that has resulted in injury to the student." This "instructor" standard, we believe, should govern analogous negligence claims based on a coach's failure to anticipate and prevent a player's injury.

What this means is that "coaches have a duty to 1) take reasonable steps to become aware of preventable risks to their athletes and 2) must take measures to properly supervise and care for their players' safety." What constitutes "reasonable steps" or "reasonable measures" depends on what a reasonably prudent coach or athletic program, under similar circumstances, would have done.

Assumption of Risk

Assumption of the risk principles apply to children as well as adults. Like adults, children are held to an objective standard, albeit one reflecting the child's age, mental capacity, experiences, and

circumstances. For example, in *McQuiggan*, we held that a 12 year old boy assumed the risk of an eye injury that occurred shortly after he decided to stop playing a rubberband-paper clip shooting game with his friends. See *McQuiggan*, 73 Md. App. at 711. In doing so, we recognized that "there is no doubt that a child of that age can assume the risk of his or her actions."

But softball and baseball players do not assume **all** risks of injury simply by participating. With respect to athletes injured during play, the general rule is that "[a] voluntary participant in any lawful game, sport or contest, in legal contemplation by the fact of his participation, assumes **all risks incidental to the game, sport or contest which are obvious and foreseeable.**" These foreseeable dangers include risk of injury resulting from the type of physical contact that is an integral part of the sport as it is typically played.

Here, we believe that the injury, occasioned by sliding, is part of the sport of softball, and it is therefore assumed by all players. Because assumption of risk is a complete defense, we do not reach the issue of whether the coach or league's failure to adopt a no-slide policy is negligent.

S & S Oil, Inc. v. Jackson, 428 Md. 621, 625-26, 53 A.3d 1125, 1127-28 (2012)
Opinion of the Court of Appeals of Maryland

On June 21, 2007, Plaintiff entered a gas station owned and operated by the Defendant. The gas station was in the process of being renovated. The process included renovating the flooring near the soda machine in the store portion of the building.

Around five-o'clock in the evening, Plaintiff and her granddaughter drove to the station in order to buy motor oil. She paid for the oil, and exited.

When Plaintiff returned to her car, her granddaughter asked for a soda. She walked back into the building to locate the soda machine. When she saw the machine, she walked toward it. During her walk, Plaintiff mis-stepped onto uneven ground. She did not fall, but she testified that her "foot twisted [her] knee" resulting in injury to her right knee and lower back.

During the trial, Plaintiff testified that she was not looking at the floor during her walk to the soda machine as she had just been inside the station store and therefore "trusted [her] environment." She stated that after her injury she could see that the area was un-level, "sloped," and "lumpy." There was evidence, however, in the form of testimony from the station owner, that there was orange or red caution tape across part of the construction area and a "Watch Your Step" sign somewhere in the immediate vicinity of Plaintiff's injuries. Plaintiff testified that she did not see the caution tape, the warning sign, or any dangerous condition, and that she had assumed that the floor surface was level

In Maryland, it is well settled that in order to establish the defense of assumption of risk, the defendant must show that the plaintiff: (1) had knowledge of the risk of the danger; (2) appreciated that risk; and (3) voluntarily confronted the risk of danger.

Plaintiff argues that the jury could not have concluded that she assumed the risk of her injury because during trial she testified that she did not see any dangerous area. But the jury is not required to believe Plaintiff's claim that she did not know of or appreciate the risk. When there is evidence of a risk, like the

caution tape and warning sign in the present case, a reasonable jury can disbelieve a plaintiff's claim that she did not know of and appreciate a risk.

Poole v. Coakley & Williams Constr., Inc., 423 Md. 91, 98, 31 A.3d 212, 217-21 (2011)
Court of Appeals of Maryland

Plaintiff filed suit in the Circuit Court for Montgomery County, alleging that, at approximately 11 o'clock on the morning of December 21, 2005, while talking and walking through the defendant's parking lot, he slipped and fell on "black ice." He encountered this "black ice" while wading through a stream of water that created a path through an otherwise icy parking lot.

The Defendant admits that "black ice" is by definition invisible to anyone looking at it. It is a thin sheet of ice that forms over blacktop. Even though the Defendant admits the Plaintiff did not see the ice, the Defendant argues that the conditions then-existing created such a high probability that black ice would be present that the Plaintiff assumed the risk that there would be black ice present.

The court below agreed with the Defendant's legal argument, that assumption of risk applies to unknown hazards if a plaintiff should have anticipated the hazard might be there. We disagree and reverse.

Assumption of the risk "rests upon an intentional and voluntary exposure to a known danger and, therefore, consent on the part of the plaintiff to relieve the defendant of an obligation of conduct toward him and to take his chances from harm from a particular risk."

The standard for knowledge and appreciation of a risk is a *subjective* one — what the particular plaintiff, in fact, sees, knows, understands, and appreciates about the risk. This is to be distinguished from other defenses which are not based on what someone actually knew about a risk, but focus instead on whether the plaintiff was careless or negligent in failing to detect the risk.

That being said, it is evident that a purely subjective standard opens a very wide door for the plaintiff who is willing to testify that he did not know or understand the risk. Thus, *the plaintiff will not be heard to say that he did not comprehend a risk which must have been quite clear and obvious to him*. There are some things . . . which are so far a matter of common knowledge in the community, that in the absence of some satisfactory explanation, a denial of such knowledge simply is not to be believed. On the basis of this record, we conclude that the plaintiff did not assume the risk of slipping on black ice, because his undisputed testimony is that he did not see the ice until he slipped on it. That the conditions were ripe for black ice is not the same as knowing the ice is there.

We believe that the issue of assumption of risk was one for the jury to decide. We are remanding this case for a trial on the issue of assumption of risk. Assuming the Plaintiff again testifies that he did not see the ice, the jury will have to determine whether to believe him. It is, after all, the jury's right to believe the testimony of anyone who testifies, or to disbelieve it.

Should the jury believe that the Plaintiff did not see the ice before he slipped on it, then it will have determined that he did not assume the risk of encountering it.

Guidelines for Competition Judges

I. Procedures for Scoring Competitions

Rankings are determined by both wins and points. Therefore, it is essential that the presiding judge carefully rate each team on all elements listed on the Performance Score Sheet.

A. Tie Point

Always award the Tie Point immediately after the close of the trial, and before adding the scores. This point will be used only in the event of a tie.

B. Decorum

Please be sure to score each team's overall performance in decorum in the space provided.

C. Announcing Your Decision

1. After awarding, tallying and double-checking the rest of the scores, your first announcement to the teams should focus on the general student performance, decorum, and legal understanding that you just witnessed.
2. Your second announcement should be which team prevailed, based on the merits of the case.
3. Your last announcement should declare who prevailed based on the score sheet.

D. Providing Feedback to the Team

Please be mindful that students have often traveled considerable distance for the competition, and still have other obligations (E.G. HOMEWORK). Feedback should be limited to a maximum of 10 minutes.

II. Time Limitations

Students have been asked to limit their presentations to the timeframes listed in #2 of the Organizational Rules (page 1). It is particularly helpful for teams to know in advance how you will handle the time guidelines. Some judges prefer to give a warning, for instance, when there is one minute left; others expect students to mind the time on their own. Your jurisdiction may also incorporate a student bailiff(s); in this case, the bailiff will keep time throughout the match.

Competitions will last approximately 2 hours INCLUDING your deliberation and feedback!

III. Mock Trial Simplified Rules of Evidence

The rules of evidence governing trial practice have been modified and simplified for the purposes of mock trial. Other more complex rules are NOT to be raised during the trial enactment.

Attorneys and witnesses may neither contradict the Statement of Facts or Affidavits, nor introduce any evidence that is not included in this packet of materials. As with any perceived violation of a rule of evidence, opposing team members should object or request a bench conference if this occurs.

IV. Trial Procedures

A. Motions to Dismiss

The purpose of the competition is to hear both sides; therefore, motions to dismiss are not allowed. There shall be no sequestration of witnesses at any time during the trial. If such a motion is made, the motion MUST be denied.

B. Opening/ Closing Arguments

Competition procedures permit only one opening statement and one closing argument for each team. In Mock Trial Competition, the Defense Team will always make the first closing argument, followed by the Prosecution/Plaintiff. There is no rebuttal in Mock Trial.

C. Direct and Cross Examinations

Each attorney (three for each side) must engage in the direct examination of one witness and the cross-examination of another.

Mock Trial Performance Rating Sheet

Schools: _____ vs. _____
Plaintiff/Prosecution Defense

1=Fair 2=Satisfactory 3=Good 4=Very Good 5=Excellent

Please note that you are asked to give each attorney a composite score for their overall presentation: direct and re-direct or cross and re-cross. If re-direct or re-cross is NOT used, the attorney should NOT be penalized for not using this technique if there was nothing to be gained by using re-direct or re-cross.

****Please do not use fractions in scoring.****

		Prosecution/ Plaintiff	Defense
Opening Statements			
<u>PLAINTIFF/PROSECUTION</u> First Witness	Direct & Re-Direct Examination by Attorney		
	Cross & Re-Cross Examination by Attorney		
	Witness Performance		
<u>PLAINTIFF/PROSECUTION</u> Second Witness	Direct & Re-Direct Examination by Attorney		
	Cross & Re-Cross Examination by Attorney		
	Witness Performance		
<u>PLAINTIFF/PROSECUTION</u> Third Witness	Direct & Re-Direct Examination by Attorney		
	Cross & Re-Cross Examination by Attorney		
	Witness Performance		
<u>DEFENSE</u> First Witness	Direct & Re-Direct Examination by Attorney		
	Cross & Re-Cross Examination by Attorney		
	Witness Performance		
<u>DEFENSE</u> Second Witness	Direct & Re-Direct Examination by Attorney		
	Cross & Re-Cross Examination by Attorney		
	Witness Performance		
<u>DEFENSE</u> Third Witness	Direct & Re-Direct Examination by Attorney		
	Cross & Re-Cross Examination by Attorney		
	Witness Performance		
Closing Arguments			
Decorum/ Use of Objections: Students were courteous, observed courtroom etiquette, spoke clearly, demonstrated professionalism, and utilized objections appropriately.			
TOTAL			
Tie Point (Before totaling score sheet, please award one point to the team you think gave the best overall performance. This point will be used ONLY in a tie.)			
TOTAL WITH TIE POINT (provide this score only in a tie)			

I have checked the scores and tallies, and by my signature, certify they are correct:

Presiding Judge: _____ Date: _____

Teacher Coach, Defense: _____ Teacher Coach, P: _____

**Maryland State Bar Association/ CLREP
2015-2016
Statewide High School Mock Trial Competition**

Registration Deadline.....	Friday, November 6, 2015
Case Mailed to Paid/ Registered Teams.....	Thursday, November 12, 2015
Circuit Competitions (1st Level of Competition).....	January 4—March 25, 2016
CIRCUIT CHAMPIONS MUST BE DECLARED BY MARCH 25, 2016.	
Regional Competitions (2nd Level of Competition)..... (The eight Circuit Champions compete in single eliminations.)	Wednesday, April 6 and Thursday, April 7, 2016
Semi-Final Competitions: Anne Arundel Circuit Court, 4pm.....	Thursday, April 21, 2016
State Championship: Maryland Court of Appeals, Annapolis, 10am*	Friday, April 22, 2016
LIVE WEBCAST - http://www.mdcourts.gov/coappeals/webcast.html	

**Note: All competition dates are final.
A change by the Chief Judge of the State of Maryland is the only exception.**

Organizing Local Competitions

The Citizenship Law-Related Education Program will:

- provide Mock Trial Guides and rules for each State competition;
- disseminate information to each circuit;
- provide technical assistance to Circuit Coordinators;
- provide certificates to all registered participants who compete for the season;
- assist in recruitment of schools;
- act as a liaison in finding legal professionals to assist teams;

The role of the Bar Association is:

- to advocate involvement of local attorneys in preparing teams and hearing trials;
- to provide support to schools;
- to assist the Circuit Coordinator.

The role of the Circuit Coordinator is:

- to make decisions/ mediate at the local level when problems or questions arise;
- to establish the circuit competition calendar;
- to arrange for courtrooms, judges, and attorneys for local competitions;
- to inform and attempt to recruit all schools in the circuit;
- to work with the local Bar Associations to set court dates, recruit attorney advisors, and establish local guidelines;
- to arrange general training sessions if necessary.

The role of the individual school/teacher coach is:

- to DEMONSTRATE that winning is secondary to learning;
- to coach and mentor students about the “real-world” aspect of judging in competitions;
- to teach sportsmanship, team etiquette and courtroom decorum;
- to recruit students for the team;
- to arrange training sessions and scrimmages;
- to arrange transportation to and from competitions
- to supervise the team during practices and competitions;
- to work with partners to recruit attorney advisors;
- to ensure that the team arrives at all scheduled mock trial competitions.

Mock Trial State Champions

2014-2015 Severna Park High School, Anne Arundel County	1998-1999 Towson High School, Baltimore County
2013-2014 Richard Montgomery High School, Montgomery County	1997-1998 Pikesville High School, Baltimore County
2012-2013 Annapolis High School, Anne Arundel County	1996-1997 Suitland High School, Prince George's County
2011-2012 The Park School, Baltimore County	1995-1996 Towson High School, Baltimore County
2010-2011 The Park School, Baltimore County	1994-1995 Pikesville High School, Baltimore County
2009-2010 Severna Park High School, Anne Arundel County	1993-1994 Richard Montgomery High School, Montgomery County
2008-2009 Allegany High School, Allegany County	1992-1993 Elizabeth Seton High School, Prince George's County
2007-2008 Severna Park High School, Anne Arundel County	1991-1992 Oxon Hill High School, Prince George's County
2006-2007 Severn School, Anne Arundel County	1990-1991 Westmar High School, Allegany County
2005 – 2006 Severna Park High School, Anne Arundel County	1989-1990 Bishop Walsh High School, Allegany County
2004-2005 Richard Montgomery High School, Montgomery County	1988-1989 Lake Clifton/Eastern High School, Baltimore City
2003-2004 The Park School, Baltimore County	1987-1988 Pikesville High School, Baltimore County
2002-2003 Elizabeth Seton High School, Prince George's County	1986-1987 Thomas S. Wootton High School, Montgomery County
2001-2002 Towson High School, Baltimore County	1985-1986 Old Mill High School, Anne Arundel County
2000-2001 DeMatha Catholic High School, Prince George's County	1984-1985 High Point High School, Prince George's County
1999-2000 Broadneck High School, Anne Arundel County	1983-1984 Worcester County Team